

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26570 of 2024

Arising Out of PS. Case No.-18 Year-2020 Thana- HARINMAR District- Munger

1. Jairam Singh S/o Ramwali Singh, R/o village - Athsaiya, P.S. - Bariyarpur, Binda Diayara, Distt. - Munger.
2. Ranbir Singh S/o Yogi Singh, R/o village - Athsaiya, P.S. - Bariyarpur, Binda Diayara, Distt. - Munger.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Manohar Prasad Singh, Advocate
For the Opposite Party : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-08-2024 Heard Mr. Manohar Prasad Singh, the learned counsel for the petitioners and Mr. Ganesh Prasad Singh, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Harinmar PS Case No. 18 of 2020, FIR dated 07.08.2020, registered for the offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code.

3. According to the prosecution case, the informant's son along with one Dinesh Singh left his house on 06.08.2020 but did not return back till night and later they came to know that a dead body is lying in the field of Dinesh Singh, which the



informant identified as her son. It is further alleged that the informant's son was murdered under a conspiracy hatched by Dinesh Singh and Naresh Paswan.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that petitioners are not named in the FIR and name of petitioners transpired during investigation on the basis of statements of brothers of the deceased namely, Rajit Singh and Jitendra Singh and from their statements, it appears that both are not the eyewitness to the alleged occurrence and merely on the basis of suspicion, the petitioners have been made accused in the present case. He lastly submits that the co-accused person, against whom there is similar nature of allegation and whose name also came during investigation on the basis of statement made by the brother of the deceased namely, Jitendra Singh, has been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 15.04.2024 passed in Cr. Misc. No. 19536 of 2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.



6. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedent, they are not named in the FIR and a similarly situated co-accused person has been granted the privilege of anticipatory bail, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger, where the case is pending in connection with **Harinmar PS Case No. 18 of 2020**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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