

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26777 of 2024

Arising Out of PS. Case No.-520 Year-2023 Thana- VAISHALI District- Vaishali

Munchun Sahani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Sudha, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 26-07-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Vaishali P.S. Case No. 520 of 2023 for the offence punishable under Sections 302/34 of the Indian Penal Code lodged on 28.11.2023 by the informant, Chandeshwar Prasad Singh.

3. As per the prosecution story, the informant alleged that an amount was taken by his brother, Manoj Kumar Singh (deceased) but had failed to return for which he was pressurized by the accused persons to execute sale-deed of a land or face consequences. Further allegation is that his brother had gone to the field, the accused persons killed and hanged him from the grill of the gate.

4. Learned counsel for the petitioner submits that no



one has seen the occurrence and even the case diary does not say so, merely because of the suspicion that having taken the amount, the accused persons were pressurizing for its return and/or executing a deed for the land, that cannot be a ground for implicating them. The last submission is that he do not have criminal antecedent and is in custody since 29.11.2023 (para-15 of the petition).

5. Learned APP opposes the prayer stating that due to strong suspicion that they were pressurizing and has also threatened of dire consequences, the occurrence took place.

6. Taking into account the submissions put forward by the parties as also the fact that no one has actually seen the occurrence, it is only on the basis of suspicion, he has remained in custody for more than six months, do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate,-1st Class/Successor, Vaishali at Hajipur, in connection with Vaishali P.S. Case No. 520 of 2023 subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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