

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41132 of 2024

Arising Out of PS. Case No.-92 Year-2024 Thana- CHAPRA TOWN District- Saran

1. Gunjesh Kumar Son of Dhaneshwar Rai Resident of village - Bara Telpa, P.S.- Chapra Town, District - Saran at Chapra.
2. Bijesh Kumar Son of Dhaneshwar Rai Resident of village - Bara Telpa, P.S.- Chapra Town, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP
For the Informant : Ms. Shweta Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-06-2024 Heard learned counsel appearing on behalf of

the petitioners and learned APP appearing on behalf of

the State.

2. The petitioners seeks bail in connection with

Chapra Town P.S. Case No. 92 of 2022 registered for

the offences under Section 302/34 of the Indian Penal

Code.



3. The petitioners are not named in the F.I.R. and are in custody since 21.02.2024.

4. The allegation against the petitioners is to commit murder of the son of informant alongwith other co-accused persons as surfaced during the course of investigation.

5. Learned counsel appearing on behalf of the petitioners submitted that the name of petitioners surfaced in the present case merely on the basis suspicion as deceased made a call some hours earlier, they were implicated falsely with the present case without having any connecting evidence. It is submitted that except suspicion nothing incriminating recovered/surfaced as to connect these petitioners, *prima facie*, with the present occurrence of murder. It is further submitted that present case is purely based upon circumstantial evidence, where save and except suspicion nothing appears against these petitioners, who are men of clean antecedent. While concluding the



argument it is submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer for bail submitted that circumstances of the case suggests that petitioners committed murder of the son of informant.

7. In view of the facts and circumstances as mentioned above and by taking note of the fact as save and except suspicion arising out of CDRs, nothing incriminating appears, *prima facie*, against these petitioners as to connect them with the present occurrence of murder, coupled with the fact as petitioners are in custody since 21.02.2024, where charge-sheet has already submitted, accordingly, petitioners, above named, are directed to be released on bail in connection with Chapra Town P.S. Case No. 92 of



2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions:-

(i) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That petitioners shall not interact with victim or any of her family members during the trial or to influence any prosecution witnesses in whatsoever manner, failing which, the State shall be at



liberty to move before the learned
Trial Court itself for the cancellation
of bail bond of the petitioner.

(Chandra Shekhar Jha, J.)

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