

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49966 of 2024

Arising Out of PS. Case No.-88 Year-2024 Thana- BARACHATTI District- Gaya

Surendra Kumar, son of Ramkhelavan Sharma @ Ramkhelawan Thakur,
resident of Village- Simariya, P.S.- Fatehpur, Distt- Gaya
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 52179 of 2024

Arising Out of PS. Case No.-88 Year-2024 Thana- BARACHATTI District- Gaya

Gudiya Devi, Wife of Bachhu Thakur, resident of Village- Khap, P.S.-
Mohanpur, Dist- Gaya
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 49966 of 2024)
For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. M. K. Nirala, APP
(In CRIMINAL MISCELLANEOUS No. 52179 of 2024)
For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-09-2024 Since both the bail applications are arising out of the

same police station case and, as such, with the consent of the

parties, the same are being heard together and disposed of by

this common order.

2. Heard learned Advocates for the petitioners and
learned APP for the State.

3. The petitioners seek regular bail, who are in



custody in connection with Barachatti (Mohanpur) P.S. Case No. 88 of 2024 registered for the offences punishable under Sections 447, 504, 506, 384, 363, 365 and 302/34 of the Indian Penal Code.

4. Based upon the written report, the prosecution alleges that on 07.02.2024 a feast was going on in her village, in the meantime, her son, aged about six years, was playing at the door along with his friends. After some time, the son of the informant was found missing; despite all the efforts, his whereabouts could not be traced out. It is further alleged that on 28.01.2024, 30.01.2024 and 31.01.2024, on different occasions, the petitioners came to the house of the informant and threatened with dire consequences and also abused her husband. It is further alleged that the petitioners had also demanded Rs.2,00,000/- as *Rangdari* and also gave threatening to kidnap her son.

5. Learned Advocates for the petitioners contended that from the narratives made in the F.I.R., it is evident that on three occasions, it is alleged that the petitioners reached to the house of the informant and asked for her husband, but when her husband was not found present in the house, they abused and threatened, but at no point of time any complaint whatsoever



has been made before the police. It is further contended that just after institution of the F.I.R., the petitioners were apprehended and on being satisfied, they released on P.R. bond. However, when the dead body of the child was recovered from a well, again the petitioners were apprehended and sent to the judicial custody. During the course of investigation, it was found that earlier the petitioner (in Cr. Misc. No. 52179 of 2024) had a relationship with the father of the deceased and, later on, she developed her relationship with petitioner (in Cr. Misc. No. 49966 of 2024) and since they had been in touch through their mobiles, their names have been implicated in this case only on the basis of suspicion. There is no eye witness to the alleged occurrence and the post-mortem report also suggests the cause of death, due to drowning. In fact, it was an accidental death, but on suspicion, the name of the petitioners have been implicated in the present case. Moreover, the petitioners having fair antecedent and now they are in custody since 11.02.2024. The investigation of the crime is complete and charge-sheet has been submitted.

6. On the other hand, learned APP for the State vehemently opposed the bail applications and submits that the enmity between the petitioners' and the informant's family was



writ large and during the course of investigation, material evidence has come, which suggests the complicity of the petitioners.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case against the petitioners is based upon suspicion and there is no cogent material suggesting the complicity of the petitioners in the crime; even during the course of investigation Dog squad was also called for, but they also did not point out any indication against the petitioners, moreover there is no recovery of any other incriminating material from the possession of the petitioners, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Sherghati, Gaya in connection with Barachatti (Mohanpur) P.S. Case No. 88 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date



of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) The court below 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 court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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