

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74061 of 2023

Arising Out of PS. Case No.-86 Year-2023 Thana- JANKINAGAR District- Purnia

1. Pawan Das S/O Nevi Lal Das R/O Village- Dharhara, Ward No. 3, P.S- Banmankhi, Distt.- Purnea.
2. Bishesh Das @ Bishesh Kumar S/O Pawan Das R/O Village- Dharhara, Ward No. 3, P.S- Banmankhi, Distt.- Purnea.
3. Aniya Devi W/O Pawan Das R/O Village- Dharhara, Ward No. 3, P.S- Banmankhi, Distt.- Purnea.
4. Bam Bam Das S/O Nevi Lal Das R/O Village- Dharhara, Ward No. 3, P.S- Banmankhi, Distt.- Purnea.
5. Manoj Das S/O Nevi Lal Das R/O Village- Dharhara, Ward No. 3, P.S- Banmankhi, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate
For the Opposite Party/s : Ms. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-02-2024 Heard Mr. Viveka Nandsingh, learned counsel for the petitioners and Ms. Pronoti Singh, learned Additional Public Prosecutor for the State.

2. After some argument, learned counsel for the petitioners seeks permission to withdraw this application with respect to petitioner no. 2, namely, Bishesh Das @ Bishesh Kumar.

3. Permission is accorded.

4. Accordingly, this application stands dismissed as



withdrawn with respect to petitioner no. 2.

5. The petitioners (except petitioner no. 2) are apprehending their arrest in connection with Jankinagar P.S. Case No. 86 of 2023, F.I.R. dated 14.05.2023 for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

6. According to prosecution case, all the accused persons have killed the son of the informant, namely, Arun Kumar and threw his dead body in Bathnaha Langar Dhar for concealing the evidence.

7. 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 the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that it appears from the F.I.R. that the specific allegation is against the co-accused, namely, Bishesh Das @ Bishesh Kumar that he has taken away the son of the informant. He further submits that there is no specific allegation of any assault or overt act attributed against these petitioners and the only allegation against these petitioners is that when the informant went to the house of the petitioners then they have



misbehaved with him.

8. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

9. Considering the aforesaid facts and circumstances that there the petitioners have clean antecedent and there is no specific allegation of assault or overt act attributed against these petitioners, let the petitioners (except petitioner no. 2), above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Purnea in connection with Jankinagar P.S. Case No. 86 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

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

ii. If the petitioners tampers 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 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 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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