

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32853 of 2015

Arising Out of PS.Case No. -14 Year- 2015 Thana -BHAGWANPUR District- BHABHUA
(KAIMUR)

1. Rinku Devi wife of late Kameshwar Sah@Barister Sah Resident of
Village- Belaon, Police Station- Balaon, District Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.35585 of 2015

Arising Out of PS.Case No. -14 Year- 2015 Thana -BHAGWANPUR District- BHABHUA
(KAIMUR)

1. Manohar Tiwari son of Late Baran Tiwari, Resident of village- Belaon,
P.S.- Bhagwanpur (Belaon), Post- Belaon, District- Kaimur at Bhabua

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.32853 of 2015)

For the Petitioner/s : Mr. Girish Chandra Sharma

For the Opposite Party/s : Mr. Yogendra Kumar(App)

(In Cr.Misc. No.35585 of 2015)

For the Petitioner/s : Mr. Rajani Kant Pandey

For the Opposite Party/s : Mr. Surendra Kumar(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA

ORAL ORDER

3 10-11-2015 Both the Criminal Miscellaneous arise out of the same
occurrence and as such have been heard together and are being
disposed of by passing this common order.

Heard the learned counsel for the petitioners, the
learned A.P.P as also the learned counsel for the Informant.

The petitioners seek bail in a case for the offences punishable under section 302 read with section 34 of the I.P.C and section 27 of the Arms Act.

Kameshwar Sah @ Bairister Sah, brother of the informant went to attend the call of nature on 03.02.2015 and did not return and in the morning his dead body was found in the barren field of Bhairo Tiwari having mark of fire arm injury on the back of his neck. During investigation the name of petitioners transpired that petitioner Rinku Devi, wife of the deceased was having illicit relationship with petitioner Manohar Tiwari and both after making conspiracy killed the deceased.

Submission is of false implication and that there is no eye witness of the occurrence. F.I.R. was lodged on 04.02.2015, whereas, on 26.02.2015 Lalpari Kumari, Basawan Sah and Santosh Sah vide paragraphs- 22, 23 and 24 of the case diary have stated that the deceased went to the house of petitioner Manohar Tiwari after taking meat to serve him and in the morning his dead body was found and further after long lapse of time witnesses Munna Sah and Dinesh Sah vide paragraphs- 101 and 102 of the case diary have stated that they have seen Manohar Tiwari and Kameshwar Tiwari coming towards the village in the night of 03.02.2015 and the petitioner Manohar Tiwari was armed with

Katta and that statement is of 23.03.2015 after the alleged confessional statement of the petitioners and as such the petitioners who are suffering in custody since 23.02.2015 and 18.03.2015 respectively deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that both the petitioners were talking with each other before and after the occurrence which is evident from the call detail report and it has come that the petitioner Rinku Devi was having illicit relationship with petitioner Manohar Tiwari and for that the deceased was killed.

In the facts and circumstances as stated above, considering that the witnesses who are raising suspicion against the petitioners have come after 22 days of the occurrence and there is no direct evidence against the petitioners and further charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M. Kaimur at Bhabua in Bhagwanpur (Belaon @ Belon) P.S. Case No. 14 of 2015, subject to the conditions that one of the bailors must be a near relative and

another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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