

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36408 of 2015

Arising Out of PS.Case No. -31 Year- 2013 Thana -FATEHPUR District- GAYA

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1. Manju Devi wife of Birendra Singh
2. Birendra Singh son of Late Jato Singh
Both resident of village- Fatehpur, Police Station- Fatehpur, District- Gaya.
..... Petitioner/s

Versus

1. The State of Bihar
..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2
For the Opposite Party/s : Mr. U.S.P.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 30-11-2015 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners seek bail in connection with Fatehpur
P.S. Case No. 31 of 2013 registered for the offence punishable
under Sections 302/34 of the Indian Penal Code.

Allegedly, the petitioners assaulted the wife of the
informant when she was pouring water on the newly constructed
house and further after killing her threw the dead body at Paharpur
Railway Station.

Submission is of false implication and that no one has
seen the occurrence. There is no eye witness regarding the alleged
assault, from annexure-2 it is apparent that the wife of the
informant jumped at the railway line and became senseless and



thereafter, her family members brought from there, now good sense has prevailed and the informant has filed compromise petition in the court below vide annexure-4 and further the mother and father of the deceased have sworn affidavit regarding innocence of the petitioners vide annexure-3. During investigation also witness Devendra Kumar vide paragraph 7 has stated that due to family dispute the deceased went away from the house and jumped at the Railway Line and due to land dispute the petitioners have been implicated. Chargesheet has already been submitted and there is no chance of tampering with prosecution evidence.

Learned APP opposes the prayer of bail by submitting that other witnesses have supported the allegation but it is true that there is no eye witness.

In the facts and circumstances stated above, considering that the informant has retracted from his earlier version by filing compromise petition, chargesheet has already been submitted and there is no chance of tampering with prosecution evidence, the petitioners above named, are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Rakesh Kumar Pandey, J. M. Ist Class, Gaya in connection with Fatehpur P.S. Case No. 31 of 2013, 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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