

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41009 of 2015

Arising Out of PS.Case No. -50 Year- 2014 Thana -PALI District- JEHANABAD

Minta Devi, Wife of Rajkumar Yadav, Resident of Village- Tetaria, Police Station- Pali, District- Jehanabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.43615 of 2015

Arising Out of PS.Case No. -50 Year- 2014 Thana -PALI District- JEHANABAD

Rajkumar Yadav @ Raj Kumar Son of Jawahar Yadav, Resident of Village- Tetaria, Police Station- Pali, District- Jehanabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.41009 of 2015)

For the Petitioner : Mr. Syed Asgher Najmi, Advocate.

For the Opposite Party : Mr. Anil Kumar Singh, APP.

(In Cr.Misc. No.43615 of 2015)

For the Petitioner : Mr. Syed Asgher Najmi, Advocate

For the Opposite Party : Mr. Mustaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-11-2015 Both the petitions for bail have been heard analogously
and are being disposed of by a common order.

The petitioners are languishing in jail since 01.06.2015
and 12.12.2014 respectively in a case instituted under Sections
364, 302 and 34 of the Indian Penal Code and Section 27 of the
Arms Act.

As per prosecution case, it is a case of murder of one Renu Devi due to earlier family dispute by the accused persons.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 01.06.2015 and 12.12.2014 respectively. Chargesheet has been submitted in the case. Petitioners have got no criminal antecedent. There is no allegation of tampering of evidence against the petitioners. From perusal of para-89 of the case diary, it would appear that the deceased happened to be the wife of Ravindra Yadav and from perusal of Annexure-2, it would appear that Kapil Yadav, father of the informant of the present case, Mukesh Kumar, had filed the informatory petition that the deceased Renu Devi is missing and that any casualty may happen with his family members. This was prior to the institution of the present case. From perusal of para-81 of the case diary, it would appear that the husband of the deceased Ravindra Yadav had filed a case against the informant of the present case for an offence under Section 366 for abduction of his wife (deceased of the present case). The said case was registered as Kadirganj P.S.Case No.07 of 2014. Admittedly, there was a dispute between the informant of the present case and the husband of the deceased Ravindra Yadav. As far as the petitioner Minta Devi is concerned, she is a lady and petitioner Rajkumar Yadav @

Raj Kumar is the husband of petitioner no.1.

It is further submitted that the deceased Renu Devi was the legally wedded wife of one Ravindra Yadav but she has illicit relationship with the informant and informant has himself killed the deceased to save his skin and implication the petitioners. From perusal of FIR, it appears that at the time of occurrence the deceased was in the house of the informant. It is also submitted that neither the legal husband of the deceased nor her any *sasural* people has lodged any case regarding this occurrence. It is further submitted that the mother of the deceased Lalti Devi has also filed a complaint case no.1057 of 2014 before CJM, Jehanabad alleging therein that the informant of the instant case, namely, Mukesh Kumar has illicit relationship with the deceased Renu Devi.

There is no motive alleged against them for committing the alleged offence. There is no eye witness to the alleged occurrence. General and omnibus allegation has been made against the petitioners. Petitioners have falsely been implicated in this case due to village politics.

On behalf of the State, it has been submitted that the petitioners are named in the FIR and have actively participated in the alleged occurrence.

Considering the aforesaid facts and circumstances, let

the above named petitioners 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 learned CJM, Jehanabad in connection with Pali P.S.Case No.50 of 2014.

(Sudhir Singh, J)

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