

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47666 of 2015

Arising Out of PS.Case No. -275 Year- 2015 Thana -SUPAUL District- SUPAUL

- =====
1. Singheshwar Mukhiya son of Late Chanhua Mukhiya @ Musahru Mukhiya
 2. Sonia Devi wife of Singheshwar Mukhiya
 3. Renu Devi wife of Sarvesh Mukhiya, D/o Singheshwar Mukhiya All are residents of village - Parsauni, P.S. + District - Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Mishra, Advocate.

For the Opposite Party/s : Mr. Md.Ansarul Haque (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 09-02-2016 Heard the learned counsel for the petitioners as well as the learned A.P.P for the State.

The petitioners seek bail in a case for the offences punishable under sections 302, 328 and 34 of the I.P.C

Allegedly, Sarvesh Mukhiya, the nephew of the informant, was married to the petitioner Runa Devi four years ago and after marriage Sarvesh Mukhiya was living in his in-laws house and out of the wedlock there is son also but Sarvesh Mukhiya was poisoned to death by the petitioners and other co-accused.

Submission is of false implication and that no motive



has been assigned for committing murder of the deceased, there was cordial relation of the petitioner Runa Devi with her husband-deceased, due to some dispute among the brother and parents Sarvesh Mukhiya was living with the petitioners and was leading happy conjugal life, before the occurrence Sarvesh Mukhiya when returning in the evening met with his uncle (informant) and was very much fed-up and he was not speaking to any one and thereafter he went away out side and returned in the night silently and in the morning he was found in unconscious state and froth was coming out from his mouth and it reveals that out of frustration and the dispute going on with the informant and others the husband of petitioner no.3 committed suicide, the petitioner no.3 is carrying pregnancy in her womb and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes prayer for bail.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, 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. Supaul in Supaul P.S. Case No. 275 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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