

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48484 of 2015

Arising Out of PS.Case No. -392 Year- 2015 Thana -MAHUA District- VAISHALI(HAJIPUR)

- =====
1. Shiv Chandra Sah Son of Late Nandan Sah
 2. Ranjeet Kumar Son of Shiv Chandra Sah Both Resident of village - Naree Mohthi, Dharam Chand, P.S. Tisiauta, Distt. - Vaishali
 3. Ajay Sah Son of Late Lalu Sah Resident of village - Rasulpur, P.S. Jandaha, Distt. - Vaishali

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.51060 of 2015

Arising Out of PS.Case No. -392 Year- 2015 Thana -MAHUA District- VAISHALI(HAJIPUR)

- =====
1. Geeta Devi wife of Shiv Chandra Sah, Resident of Village- NAree Mohthi, Dharam Chand, P.S.- Tisiauta, Dist- Vaishali.
 2. Reena Devi wife of Late Kaushal Kumar, Resident of Village- Manhauli Bazar, P.S.- Mahua, Dist- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.48484 of 2015)

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Md.Nazir Ansari(App)

(In Cr.Misc. No.51060 of 2015)

For the Petitioner/s : Mr. Anil Kumar, Mr. Nityanand, Adv.

For the Opposite Party/s : MrMadhura Nand Jha (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 19-01-2016 Both the criminal miscellaneous applications are of the same occurrence and, as such, have been heard together and are being disposed of by this common order.

Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. representing the State.

The petitioners seek bail in connection with Mahua P.S. Case No. 392 of 2015 registered for the offences punishable under Sections 302, 201, 120(B)/34 of the Indian Penal Code.

Allegedly, Kaushal Kumar married to Reena Kumari was killed and his dead body was found in Harpur Belwa Canal. It is claimed that the petitioners and other F.I.R. named accused persons, after making conspiracy killed Kaushal Kumar and threw the dead body in the canal.

Submission is of false implication and that the petitioner Shiv Chandra Sah is the father-in-law of the deceased, petitioner Ranjeet Kumar is brother-in-law and the petitioner Ajay Sah is distant relative whereas, the petitioner Gita Devi is mother-in-law and Reena Devi is the wife of the deceased. There is no eye witness of the occurrence, who can say that the deceased was killed at her in-laws house and further no one has seen taking away the dead body of the deceased from the house of the petitioners to Harpur Belwa Nahar. The petitioner Reena Kumari was living with her husband at Mandiri Patna without any complaint. The informant only with an oblique motive, lodged the



written report and implicated the wife and other in-laws. The independent witnesses, namely, Dinesh Chaudhary and Ram Prasad Singh have stated that the deceased did not go to her in-laws house on the date of the occurrence and, as such, the petitioners who are suffering in custody, deserve sympathetic consideration, to which the learned A.P.P. duly assisted by learned counsel for the informant opposes by submitting that the wife of the deceased, Reena Kumari was having illicit relationship with other resulting she, in collusion and conspiracy with petitioners and other co-accused, got killed Kaushal Kumar and threw the dead body.

In the facts and circumstances stated above, considering that there is no direct evidence against the petitioners, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioners, above named, are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned C.J.M., Vaishali at Hajipur arising out of Mahua P.S. Case No. 392 of 2015 subject to the conditions that one of the bailors must be 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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