

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50222 of 2016

Arising Out of PS.Case No. -75 Year- 2016 Thana -PUSA District- SAMASTIPUR

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1. DINESH GUPTA @ DINESH KUMAR GUPTA S/o Late Hari Sah
2. Sunita Devi @ Sunita Kumari W/o Dinesh Gupta Both resident of
Mohalla- Pusa Bazar, P.S.- Pusa Distt- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No-1, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, A.P.P..

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 23-12-2016 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

Petitioners are languishing in judicial custody since
28.06.2016 in connection with Pusa P. S. Case No. 75 of 2016
registered for the offence punishable under Sections 302/ 34 of the
Indian Penal Code.

The prosecution case is that while the informant was
in her paternal house, got an information that her husband has
been murdered by his brother, petitioner No. 1 and his wife,
petitioner No. 2.

It has been submitted by the learned counsel for the
petitioners that the petitioners are innocent, have no criminal
history and have been falsely implicated in the aforesaid case out



of personal family enmity. He submits that eye witness to the alleged occurrence is the aunt of the deceased and she has also seen another person namely, one Suman Kumar, son of the petitioners, coming from the room of the deceased. It has further been submitted that it is only on the basis of suspicion that the petitioners have been made accused as the eye witness has also not alleged to the complexity of the petitioners in the aforesaid occurrence. It has further been submitted that charge sheet has also been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned counsel for the informant submits that the petitioners are named in the F.I.R. and eye witnesses have supported the prosecution case, hence, opposes the prayer for bail.

Learned A.P.P. for the State also opposes the prayer for bail.

Be that as it may, since charge sheet has already been submitted, let the petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Samastipur. in connection Pusa P.S.Case No. 75 of 2016 with



subject to the conditions that one of the bailors would be close relative and other bailor would be a person, who has sufficient immovable properties within the jurisdiction of concerned police station/ court and that the petitioners are directed to appear before the court below as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. This is subject to the further condition that the petitioners shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

With these observations and directions, this bail application is allowed.

(Nilu Agrawal, J)

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