

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9406 of 2017

Arising Out of PS.Case No. -687 Year- 2016 Thana -AHIAPUR District- MUZAFFARPUR

=====

Vijay Kumar Gupta Son of Late Jailal Prasad @ Jailal Prasad Gupta
Resident of Village +P.O. + P.S.- Chiraiya, District- East Champaran,
(Bihar) 845415.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-04-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
26.10.2016 in connection with Ahiyapur P.S. Case No. 687 of
2016 registered for the offence punishable under Sections 302,
201 and 120(B)/34 of the Indian Penal Code.

The prosecution case is that wife of the informant,
Sarita Kumari had taken the house of the petitioner on rent for
running her office. She was a Junior Engineer in Rural Works
Department and was incharge of the MGNREGA scheme.
Petitioner and others were also working in the said department. It
is further alleged that petitioner informed the informant on
telephone that his wife died due to fire. He further alleged that



petitioner was also involved in the killing of his wife.

It has been submitted by the learned counsel for the petitioner that he is innocent, has no criminal history and has been falsely implicated in the aforesaid offence due to ulterior motive. It has been submitted that none of the witnesses is independent witness and it is only on the basis of the suspicion just because the deceased had taken his house on rent for running office that the petitioner has been made accused. It has further been submitted that the deceased was herself a Junior Engineer in Rural Works Department handling MGNREGA Scheme and his house was being used as office for all money transaction. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned counsel appearing on behalf of the informant submits that the witnesses have supported the prosecution case and all of them have unanimously stated that the petitioner had taken a huge amount of money from her and there was a suicide note, which implicates the petitioner in the aforesaid offence. Learned A.P.P. for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named, be enlarged



on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No. 687 of 2016, subject to the condition that petitioner will appear before the police/ Court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

Arjun/-

U		T	
---	--	---	--

