

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22938 of 2017

Arising Out of PS.Case No. -132 Year- 2016 Thana -KHARIK District- BHAGALPUR

- =====
1. Ashok Kumar Singh, son of Late Hari Singh,
 2. Gulshan Kumar, son of Ashok Kumar Singh. Both are resident of Village- Kathela, P.S.- Kharik, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Pratap Singh, Advocate

For the Opposite Party/s : Mr. Nand Kishore Pd., APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 23-06-2017 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing for the informant.

Petitioners are languishing in custody since 10.09.2016 in connection with Kharik P.S. Case No. 132/2016 for the offences alleged under Sections 302, 120-B/34 of the Indian Penal Code.

The prosecution case, as lodged by the brother of the deceased, is that on 09.09.2016 at about 2.00 A.M. at night he received a telephone call from Kharik P.S. that his elder brother Rajesh Kumar was murdered and his dead body was lying on the road near his *sasural*. Informant claimed that his brother was killed by his wife Khushbu Devi, his brother-in-law Gulshan



Kumar (petitioner no. 2), his father-in-law Ashok Kumar (petitioner no. 1) his maternal father-in-law Guddu Singh and Ganga Devi, wife of Guddu Singh.

It has been submitted by the learned counsel for the petitioners that they are innocent and have falsely been implicated in the aforesaid case. In fact, petitioner no. 1 is the father-in-law (*sasur*) and petitioner no. 2 is the brother-in-law (*sala*) of the deceased and no overt act has been committed by the petitioners. It is submitted that the charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned counsel appearing for the informant submits that the witnesses have supported the prosecution case and the wife of the deceased in her confessional statement has also implicated the petitioners to be directly involved in the murder of her husband and had thrown his dead body on the road near the house of the petitioners.

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

Considering the facts and circumstances and the materials on record, I am not inclined to enlarge the petitioner on bail at this stage in connection with S.Tr. No. 224/2017, arising



out of Kharik P.S. Case No. 132/16, pending in the court of
learned 2nd Addl. Sessions Judge, Naugachia, Bhagalpur.

(Nilu Agrawal, J)

Rajesh/-

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