

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33447 of 2018

Arising Out of PS. Case No.-320 Year-2017 Thana- MAHUA District- Vaishali

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1. Vijay Kumar, S/o Raghuvansh Rai,
 2. Asharfi Devi W/o Raghuvansh Rai, Both are R/o Vill.- Pohiyar Bujurg, P.S.- Sehdei Bujurg (Desari), District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan
For the Opposite Party/s : Mr. Sri Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 03-07-2018 Heard the learned counsel for the petitioners and the State.

The petitioners seek bail in anticipation of their arrest in connection with Mahua P.S. Case No. 320 of 2017 dated 31.12.2017 instituted for the offences under Sections 302, 120(B)/34 of the Indian Penal Code.

The nephew of the informant was found dead by the side of the road. The informant suspected that the family members of the wife of the deceased may have caused his death.

The deceased was married to one Soni Kumari. The petitioner no. 1 is one of the brothers of Soni Kumari whereas petitioner no. 2 is her mother. Soni Kumari, during the subsistence of marriage with the



deceased, became a graduate and later obtained a job in railways. Thereafter, aforesaid Soni Kumari lost all interest in her husband (deceased) and for all practical purposes abandoned him. It is in this context that the informant suspected the hands of the family members of Soni Kumari.

Mr. Shukla, learned counsel appearing for the petitioners has submitted that but for the aforesaid suspicion, without there being any basis for the same, there is no other material which could warrant the prosecution of the petitioners. He has further submitted that one of the brothers of aforesaid Soni Kumari has been granted bail, though after being taken into custody, by order dated 18.05.2018 passed in Cr. Misc. No. 25930 of 2018.

Regard being had to the fact that the petitioners are being prosecuted in the present case only on the basis of unfounded suspicion, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in



connection with Mahua P.S. Case No. 320 of 2017,
subject to the conditions as laid down under Section
438(2) Cr.P.C.

(Ashutosh Kumar, J)

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