

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53877 of 2018

Arising Out of PS. Case No.-239 Year-2017 Thana- DULHIN BAZAR District- Patna

Devendra Singh, Son of Suman Singh, Resident of Village- Sihi, P.S.-
Dulhin Bazar, District- Patna.

... .. Petitioner.

Versus

The State of Bihar.

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr.
For the State	:	Mr.
For the Informant	:	Mr.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 19-09-2018 Heard learned counsel for the petitioner and the

learned A.P.P. for the State as also the learned counsel for the

informant.

The petitioner seeks bail in connection with Dulhin
Bazar P.S. Case No.239 of 2017 registered under Sections 302
and 120B/34 of the Indian Penal Code.

The accusation is that on 06.10.2017 at about 03.00
A.M., the informant Narendra Sharma came at his house as he
was sleeping in the said night at pond to watch but in spite of
alarm and dashing the door, no any response was received from
the house. Thereafter, the informant called his neighbour Amit
Kumar, who climbed on the roof and opened the door of the
house, then the informant found his wife Saroj Sharma in an



unconscious state in a room and the smell of gas was coming out from the room and L.P.G. Cylinder was also there. When the informant tried to get his wife woke up, his wife was found dead. It was also detected that Rs.10,000/-, as was kept in the attache, was also missing.

On the basis of the aforesaid information of the informant, Dulhin Bazar P.S. Case No.239 of 2017 under Sections 302 and 120B/34 of the Indian Penal Code was instituted on 06.10.2017 against unknown.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that on the basis of the written report of the informant, Dulhin Bazar P.S. Case No.239 of 2017 was instituted under Section 302 and 120B/34 of the Indian Penal Code on 06.10.2017 against unknown. After institution of the aforesaid case, the police got recorded the statement of Amit Kumar under Section 161 of the Code of Criminal Procedure, whose name has been disclosed in the F.I.R. and who had opened the door of the house of the informant from inside on the instruction of the informant, in which he has stated that he had seen the petitioner coming towards the house of the informant. Except that, nothing has been collected by the Investigating Officer, in course of



investigation, showing the involvement of the petitioner in the present case. The petitioner has no criminal antecedent and is in custody since 18.04.2018.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-III, Danapur, Patna, in connection with Dulhin Bazar P.S. Case No.239 of 2017. Out of the two sureties, one must be close relative of the petitioner, who will file an affidavit giving genealogy as to how he/she is related with the petitioner. The bailors will undertake to furnish information to the court about any change in the address of the petitioner.

(Rajendra Kumar Mishra, J)

P.S./-

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