

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53071 of 2018

Arising Out of PS. Case No.-35 Year-2018 Thana- NAWADA District- Nawada

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1. Suraj Chauhan, S/o Ram Prasad Chauhan @ Rup Lal Jamadar, R/o vill.- Mathebandh Basti, P.S.- Barora, District- Dhanbad (Jharkhand).
 2. Poonam Devi W/o Suraj Chauhan , R/o Vill.- Mathebandh Basti, P.S.- Barora, District- Dhanbad (Jharkhand), At present R/o Vill.- Linepar Mirjapur, P.S.- Nawada Town, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Mr. Sri Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 04-10-2018 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in Nawada Town P. S. Case No. 35 of 2018 instituted for the offence under Section(s) 302 and 201/34 Indian Penal Code.

It is alleged in the FIR lodged by the Dafadar that on 22.1.18 while he reached near Mirjapur Surya Mandir he saw crowd in Khuri river southern side of Surya Mandir. When the informant reached there, he found a dead body was lying cut into several pieces kept in two gunny bags. It is further alleged that after joining the pieces of dead body it was found that



pieces of dead body was of one person. It was believed by seeing the dead body is of a Hindu person and after committing the murder the dead body has been cut into pieces to conceal the evidence and was thrown in Khuri river by unknown persons.

Learned counsel for the petitioners has submitted that petitioners are not named in the written report. Their name has come in the case diary merely on suspicion. There is no eye witness of the occurrence.

Learned APP for the State has submitted that some of the witnesses, namely, Kusum Kumari, Karmi Devi @ Gauri and Raju Kumar have taken the name of these petitioners. It is also submitted that Statement of Ranjeet Kumar Chauhan, Raju Kumar, Kusum Kumari has been recorded under Section 164 Cr.P.C. and they have taken the name of these petitioners.

Learned counsel for the petitioners has submitted that all those witnesses have merely raised suspicion against these petitioners. There is no eye witness of the occurrence. It is further submitted that police has arrested Karmi Devi @Gauri and recorded his extra judicial confession wherein she has confessed the guilt and disclosed the name of these petitioners and others. The learned Sessions Judge has mentioned in the impugned order that Karmi Devi has already been granted bail



by the Hon'ble High Court by order dated 28.6.2018 passed in Cr. Misc. no. 20480 of 2018.

From the impugned order it appears that petitioners are in custody since 26.2.2018. FIR is against unknown. Mere suspicion has been raised against these petitioners in the paragraphs which has been referred by the APP. Similarly, some of the witnesses in their statement under Section 164 Cr.P.C. which have been recorded at belated stage have merely raised suspicion against these petitioners.

Considering the aforesaid, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of the 1st Additional Sessions Judge, Nawada., in connection with Nawada Town P. S. Case No. 35 of 2018, Sessions Trial no. 207 of 2018 subject to the condition that both the bailers shall be the close relative of the petitioners.

(Sanjay Priya, J)

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