

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18812 of 2019

Arising Out of PS. Case No.-321 Year-2018 Thana- DESARI District- Vaishali

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1. Mala Singh @ Mala Devi, Wife of Lalbahadur Singh, Resident of Village - Rampur Kumharkol, P.S.- Desari (Sahdei O.P.), District - Vaishali
 2. Pappu Singh @ Shailendra Kumar Singh, Son of Lalbahadur Singh, Resident of Village - Rampur Kumharkol, P.S.- Desari (Sahdei O.P.), District - Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rina Sinha, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 22-05-2019 Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Desari P.S. Case No.321 of 2018 for allegedly having committed the offence under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioners submits that the only reason why the present petitioners have been implicated in the present case is that the husband of the present petitioner no.1 had lodged a case against the deceased and therefore, on his being murdered, the natural suspicion came to be as against the present petitioner no.1 and her family members and as a result



of the said suspicion, the names of the petitioners have been taken in the statement made before the police and in the FIR. Learned counsel for the petitioners submits that actually one Prem Shankar Singh was having business dealing with the deceased and it was they who had called her for dinner and as per the statement recorded in paragraph 49 of the case diary, the wife of the deceased had also stated that he had gone for the dinner and also there had been hot discussion as is evident from before when the wife of the deceased had called him at her residence. Subsequently, as per the statement recorded in paragraph 49, the husband of the lady was found dead and a second statement was recorded by the informant on the following day. Brother of the deceased has given a different story.

Diary in the present case was called for, which has since been received.

Perusal of the case diary substantiate the submissions as advanced by the learned counsel for the petitioners. It is further submitted that the petitioners are not having any criminal antecedents.

In view of the aforementioned facts and circumstances, let the petitioners, above named, 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, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-II, Vaishali at Hajipur, in connection with Desari P.S. Case No.321 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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