

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33722 of 2019

Arising Out of PS. Case No.-152 Year-2018 Thana- PASRAHA District- Khagaria

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BADAL SAH @ BADAL KUMAR Son of Shankar Sah Resident of Village -
Navtolia Bhimari, P.S.- Pasraha, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bharat Bhushan
For the Opposite Party/s : Mr.Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 07-08-2019 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Pasraha P. S. Case No.
152 of 2018 instituted for the offence under Section(s) 302 and
201 of the Indian Penal Code.

Prosecution case, in brief is that the informant S.I.
Shashi Bhushan Singh recorded his self statement on 7.12.2018
at 17.00 hours stating therein that he is I.O. of Pasraha P.S. case
no. 143 of 2018 for the offence U/s 363/365 IPC in which the
wife of the informant, namely, Babita Devi had started from
Beldaur on 20.11.2018 for her home but did not reach her house.
The informant made search but she did not get her. The FIR
was lodged against unknown. In course of investigation, CDR
of Mobile no. 6206278821 was obtained. On 20.11.2018 from



mobile no. 7091863970 the wife had informed petitioner that she is coming. Mobile no. 7091863970 is the mobile of Bikash Sah. Bikash Sah on query told that while he was coming from Tempo one woman requested him to call her husband. He gave his mobile to call. She talked with her husband. He further stated that said lady got down at Maheshkhut chowk. In course of investigation a dead body in decomposed condition was recovered in the field of Pankaj Yadav. The husband of deceased Babita Devi identified the dead body.

During course of investigation the spy informed the I.O. that petitioner (husband of the deceased) was in illicit relation with his Bhabhi. The petitioner told, on query, that he had sent his younger brother and cousin to bring his wife by motorcycle. Kailu sah and Nunulal Sah told that they had not gone to bring the wife of Badal Kumar(petitioner). The petitioner confessed his guilt that he had pressed the neck of his wife in the way. She cried but he pressed her throat tightly due to which she died. Thereafter, dead body was thrown. The dead body was recovered by police on his disclosure.

Learned counsel for petitioner submits that there is no eye witnesses of the alleged occurrence. He further submits that except the confessional statement of petitioner recorded before



the police there is nothing on record to implicate this petitioner in this case.

In this manner, from the entire written report it appears that mere suspicion has been raised against this petitioner by informant.

Petitioner is in custody since 8.12.2018.

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the CJM Khagaria in connection with Pasraha P. S. Case No. 152 of 2018, GR No. 3454 of 2018 subject to the condition that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J)

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