

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.951 of 2019

Arising Out of PS. Case No.-147 Year-2007 Thana- CHHATAPUR District- Supaul

Murli Purbe @MURLI Manohar Purbey Son of Late Darogi Purbe Resident
of Village - Kamat Kishunganj, P.S.- Chhatapur, Distt - Supaul.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Kumar

For the Respondent/s : Mr.Shiwesh Chandra Mishra

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

4 21-12-2019 Heard learned counsels for the appellant and the
State.

The present appeal has been preferred against the judgment and order of conviction and sentence dated 30.05.2019, passed by learned F.T.C.-II, Supaul in Sessions Trial No. 141 of 2008, arising out of Chhatapur P.S. Case No. 147 of 2007, whereby the appellant and co-convict Kiran Devi have been convicted for the charge under Section 364 of the IPC and sentenced to undergo R.I. for life with a fine of Rs. 10,000/- each and in default of making payment of fine, they were further directed to undergo R.I. for six months.

The prosecution case is that the victim, being the son



of the informant and husband of co-convict Kiran Devi was working at Delhi. In the meantime, co-convict Kiran Devi developed some illicit relationship with the appellant, Murli Purbe and ultimately co-convict Kiran Devi performed marriage with the appellant, Murli Purbe. It is further alleged that when the victim returned from Delhi and visited his wife then his wife and the appellant Murli Purbe came and persuaded to the Court for settling the issue and subsequent to that, the victim went traceless. The FIR has been lodged after three years of the occurrence with allegation that after killing the son of the informant, the appellant and co-convict Kiran Devi disposed of the dead body.

Learned counsel for the appellant submits that co-convict Kiran Devi, with whom, the appellant is alleged to have established illicit relationship, has been granted bail by a Co-ordinate Bench of this Court, vide order dated 21.11.2019, passed in Cr. Appeal (DB) No. 955 of 2019.

Learned counsel for the State does not controvert the submission of learned counsel for the petitioner.

Considering the fact that co-convict, Kiran Devi has been granted bail by a Co-ordinate Bench of this Court, during pendency of this appeal, let the above named appellant be



released on bail on furnishing the bail bonds of Rs. 10,000/- (ten thousands) with two sureties of like amount each to the sanctification of learned F.T.C.-II, Supaul in connection with S.T. No. 141 of 2008, arising out of Chattapur P.S. Case No. 147 of 2007.

(Dinesh Kumar Singh, J)

(Anil Kumar Upadhyay, J)

Amrendra/-

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