

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7453 of 2020

Arising Out of PS. Case No.-122 Year-2019 Thana- KRITYANAND NAGAR District-
Purnia

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1. Chullu Hansda, S/o Thakur Hansda R/o village- Devaki Mohanpur, P.S.- K. Nagar (Maranga), District- Purnea
 2. Dinesh Hansda, S/o Late Thakur Hansda R/o village- Devaki Mohanpur, P.S.- K. Nagar (Maranga), District- Purnea
 3. Dhena Hansda @ Dena Hansda, S/o Late Thakur Hansda R/o village- Devaki Mohanpur, P.S.- K. Nagar (Maranga), District- Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 29-05-2020 Heard Mr. Amit Kumar Anand, learned counsel for the petitioners and Mr. Prem Kumar Jha, APP for the State.

The petitioners, who are in custody since 14.11.2019 and are persons of clean antecedents, seek bail in connection with K. Nagar (Maranga) P.S. Case No. 122 of 2019 dated 03.04.2019 instituted for the offence under Sections 302/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that from the bare reading of the FIR, it would appear that the petitioners have been made accused in this case on mere suspicion.

It has been alleged in the FIR that because of long standing dispute between the informant and the petitioners,



a Panchayati was to be held. On the day of Panchayati, when the informant visited the house of his son who was staying separately with him, he found him lying dead in the house. The wife of the deceased had gone to her parental house. It was thus suspected by the informant that finding the son of the informant alone in the house, the petitioners because of enmity have killed him.

Learned counsel for the petitioners submits that but for wild suspicion of the informant, there is no other material to connect the petitioners with the offence. Suspicion cannot ever take the place of proof. There is no direct evidence with respect to participation of the petitioners in the aforesaid act of killing the deceased. The petitioners have clean antecedents and have been resident of the same area for a very long time.

Considering the aforestated facts viz. lack of any direct evidence against the petitioners and their period of custody as also their clean antecedents, they are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with K. Nagar (Maranga) P.S. Case No. 122 of 2019.

(Ashutosh Kumar, J)

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