

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18785 of 2020

Arising Out of PS. Case No.-258 Year-2017 Thana- RIGA District- Sitamarhi

1. Shila Devi @ Bechani Devi D/O Khaheru Mahto, aged 29 years, Resident of Village - Riga, Imali Bazar Ward No. -11, Nuniya Tola, P.S. - Riga, District - Samastipur.
2. Indal Kumar, aged 22 years, Son of Khaheru Mahto Resident of Village - Riga, Imali Bazar Ward No. -11, Nuniya Tola, P.S. - Riga, District - Samastipur.

... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr.Virendra Kumar, Advocate

For the State : Mr.Nawal Kishore Prasad, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-06-2020

Heard learned counsel for the parties.

Petitioners are accused in a case registered for the offences punishable under Sections 302/34 and other allied sections of the Indian Penal Code.

It is alleged that the petitioners and other co-accused hatched criminal conspiracy and committed murder of Naresh Mahto.

Learned counsel appearing for the petitioners, while denying the allegations, submits that the petitioners have falsely been implicated in this case. He submits that petitioner no.1 is wife of the deceased, whereas petitioner no.2 is brother of petitioner no.1. Nothing incriminating has come against the petitioners during investigation to connect them with the alleged offence. It is further submitted that there is no eye witness to the occurrence to say that the petitioners were seen on the spot at the relevant time. Even the doctor conducting the autopsy has opined that the victim died due to Asphyxia leading to CR failure. Petitioners have got no criminal antecedent and they are in custody since 29.8.2019.



On the other hand, learned counsel for the informant opposes the bail and submits that petitioners are the culprits and post mortem report also corroborates the prosecution's case.

Considering the facts of the case, let all 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 Judicial Magistrate 1st class, Sitamarhi in Riga Police Station Case No. 258 of 2017 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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