

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15898 of 2020**

Arising Out of PS. Case No.-190 Year-2019 Thana- BAKHARI District- Begusarai

1. SUMITRA DEVI Wife of Ramchandra Yadav Resident of Village - Kamashthan Bakhri, P.S.- Bakhari, Distt - Begusarai.
2. Rohit Kumar Son of Ramchandra Yadav Resident of Village - Kamashthan Bakhri, P.S.- Bakhari, Distt - Begusarai.

... .. Petitioners

Versus

The State of Bihar

... Opposite Party/

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 02-09-2020 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in Bakhri P.S. Case No. 190 of 2019, registered for the offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code.

Prosecution case in brief is that on 01.07.2019 at about 2.35 pm, the informant received a message on his whatsapp from his Facebook friend, in which a photo of his dead brother Vikas Kumar was there. After seeing the photo, the informant reached at Kama Asthan Bakhri where he found the dead body of his brother lying near Kama Asthan Orchard,



where the police has already arrived. It is further alleged that his brother was married with one Binita Devi since 3-4 years ago. Binita Devi had illicit relation with Manish and Dilsad. It is further alleged that Binita Devi along with Manish and Dilsad after hatching up a criminal conspiracy committed murder of his brother and threw his dead body in the Nala.

It is submitted on behalf of the petitioners that the petitioners have been falsely implicated in this case. They are not named in the FIR nor they have been suspected by the informant to be involved in this offence. During course of investigation, name of petitioners transpired in this case. Petitioner no. 1 is mother and petitioner no. 2 is brother of the wife of deceased (informant's brother). There is general and omnibus allegation. There is no eye-witness of the occurrence. Petitioners have been made accused simply because they are relatives of co-accused Binita Devi. Petitioners have got clean antecedent.

Learned APP however, vehemently opposed the prayer for bail and submitted that para 34, 35 and 36 of the case diary are the statement of witnesses which also support the prosecution case.

Considering the facts aforesaid and the fact that there



is no eye witness of the occurrence and petitioners have got clean antecedent, the petitioners above-named, in the event of their arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, are directed to be enlarged 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 learned Chief Judicial Magistrate, Begusarai in connection with Bakhri P.S. Case No. 190 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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