

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17932 of 2020**

Arising Out of PS. Case No.-79 Year-2017 Thana- SIWAIPATTI District- Muzaffarpur

1. KISHORI PRASAD @ KISHOR PRASAD Son of Late Jang Bahadur Prasad Resident of Village- Paigambarpur, P.S.- Siwaipatti, District- Muzaffarpur.
2. Sanoj Prasad Son of Sri Kishori Prasad Resident of Village- Paigambarpur, P.S.- Siwaipatti, District- Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms.Bela Singh, Advocate

For the Opposite Party/s : Mr.Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 08-09-2020 Heard learned counsel for the petitioners and Mr. Anil Kumar, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Siwaipatti P.S. Case No. 79 of 3017 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

Earlier this Court had been pleased to grant provisional bail to the petitioners vide order dated 05.06.2020 while calling for the case diary.

Case diary has been received.

Learned counsel for the petitioner submits that in course of investigation it has come that so far as these petitioners are concerned, they were residing outside the village in connection with their livelihood and further the witnesses have also stated that the brother of the deceased had got transferred the entire properties of the deceased¹³



who was issueless and a widow on the pretext that he will look after her but thereafter the informant was not looking after the deceased.

Attention of this Court has been drawn towards statements of witnesses in paragraphs 10, 11, 13, 14 and 22 of the case diary. In course of supervision the Senior Police Officer has recorded on analysis of the materials collected in course of investigation that the deceased had executed a registered deed in favour of her brother (informant) but thereafter her brother was not looking after her and she was living alone in village Paigambarpur. Regarding these petitioners it has come that they are co-sharers and they had no dispute with the deceased and all the co-villagers have stated in one voice that the deceased was never assaulted and the accused persons of this case are not residing in the village.

Although learned APP for the State has opposed the prayer for regular bail of the petitioner saying that the deceased has been poisoned, in the nature of the materials on the record and the consistent statement of the witnesses as also the fact that the deceased had already executed transfer deed in favour of her brother and these petitioners had no enmity with her and they are residing outside the place of occurrence, the provisional bail granted to the petitioners is hereby confirmed. Let the petitioner be remained on bail on the same bail bond.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

