

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19889 of 2020

Arising Out of PS. Case No.-103 Year-2020 Thana- PIRBAHOR District- Patna

1. Brajendra Kumar Sinha @ Brijendra Kumar Sinha, an adult male, aged about 71 years, Son of Late Shyam Narayan Mehta, Resident of Mahavir Lane, Mussalahpur, P.S.- Pirbahore, District- Patna (Bihar).
2. Jaywanti Devi @ Jayanti Devi, an adult female, aged about 64 years, Wife of Brajendra Kumar Sinha, Resident of Mahavir Lane, Mussalahpur, P.S.- Pirbahore, District- Patna (Bihar).
3. Prity Bharti @ Preeti Bharti @ Priti Kumari @ Preeti, an adult female, aged about 27 years, Wife of Sri Chandan Kumar Sinha, Resident of Mahavir Lane, Mussalahpur, P.S.- Pirbahore, District- Patna (Bihar).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Saket Gupta, Advocate.
For the Opposite Party : Mr.Shyamal Prakash, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

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

The petitioners seek bail in a case for the offence registered under Sections 302, 120(B)/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 17.02.2020



at about 8.45 P.M. the informant heard the sound of hulla and he received information that his father has been shot by some persons. He rushed towards the place of occurrence, where his father was lying injured and with the help of local people his father was brought to P.M.C.H. Hospital, where the doctor declared him as brought dead. It is also stated by him that there was property dispute going on between his father and his elder uncle Brijendra Kumar Sinha and for the said reason conspiracy was hatched to kill his father.

It has been submitted by learned counsel for the petitioners that the petitioners are languishing in custody since 20.02.2020. The petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The petitioners have been named in the F.I.R. merely on the basis of suspicion. After investigation, the police submitted final report finding the allegation to be false against the petitioners but the learned court below has differed with the final report and taken cognizance against the petitioners. Except for this, there is no substantive evidence to suggest the implication of the petitioners in the present case.



On behalf of the State and informant, it is submitted that the petitioners are named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, let the petitioners above named, be released on bail on their personal bond to the satisfaction of the learned C.J.M., Patna in connection with Pirbahore P.S. Case No. 103 of 2020.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of lifting of the lockdown in the State of Bihar.

(Sudhir Singh, J)

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