

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21755 of 2020

Arising Out of PS. Case No.-163 Year-2019 Thana- CHERIYA BARIYARPUR District-
Begusarai

=====

FULO DEVI W/o harihar Mahto Resident of Village - Ward No.4 (8), Arjun
Tol Sripur, P.S.- Cheria Bariarpur, Sub- Division - Manjhaul, Distt.-
Begusarai.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 21773 of 2020

Arising Out of PS. Case No.-163 Year-2019 Thana- CHERIYA BARIYARPUR District-
Begusarai

- =====
1. HARIHAR MAHTO S/O Budhu Mahto R/O Village - Ward No. 4(8) Arjun
Tol Sripur, P.S. Cheria Bariarpur, Sub-division- Manjhaul, District-
Begusarai.
 2. Santosh Kumar S/O Budhu Mahto R/O Village - Ward No. 4(8) Arjun Tol
Sripur, P.S. Cheria Bariarpur, Sub-division- Manjhaul, District- Begusarai.

... .. Petitioners

Versus

THE STATE OF BIHAR

Opposite Party

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 21755 of 2020)

For the Petitioner : Mr. Jai Prakash Singh

For the State : None

(In CRIMINAL MISCELLANEOUS No. 21773 of 2020)

For the Petitioner : Mr. Jai Prakash Singh

For the State : Mr. Chandra Bhushan Prasad, APP

=====

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 21-10-2020 Both the cases arise out of same Cheria Bariarpur P.S.

Case No. 163 of 2019, registered for the offences punishable
under Sections 302, 201, 120(B) of the Indian Penal Code, they
are being heard together and are being disposed of by the
present common order.

I have heard Mr. Jai Prakash Singh, learned counsel



appearing on behalf of the petitioners and Mr. Chandra Bhushan Prasad, learned Additional Public Prosecutor, for the State of Bihar, in Cr. Misc. No. 21773 of 2020. I have carefully perused the case diary.

Mother of the victim is the informant. The petitioners were not named in the F.I.R. The informant in the F.I.R. had named Chandan Kumar and Lalit Narayan Verma with whom her son had allegedly gone to some place on 24.10.2019, whose dead body was recovered on the next morning on 25.10.2019. The informant lodged the F.I.R. on 27.10.2019.

On perusal of the case diary and the statement of the informant recorded under Section 164 of the Cr.P.C., it appears that the informant has placed entirely different case than what she had disclosed in the F.I.R. In her case, as disclosed during the investigation, she has alleged that the petitioner of Cr. Misc. No. 21773 of 2020 used to threaten that they would kill the deceased for he was having illicit relationship with the petitioner of Cr. Misc. No. 21755 of 2020. In her statement before the police, much after lodging of the FIR, she has claimed that she had seen the petitioner of Cr. Misc. No. 21755 of 2020 calling the deceased in the night and on the subsequent date, the dead body of the deceased was recovered. Apparently,



these petitioners have been implicated much after lodging of the F.I.R. though the informant claims to be an eyewitness to the occurrence of the victim leaving his house.

Considering the facts and circumstances, as noted above, these applications are allowed.

The provisional bail granted to the petitioners by an order dated 14.08.2020 stands confirmed.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since COVID-19 Pandemic situation is prevailing, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and



future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

Pawan/-

U		T	
---	--	---	--

