

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26932 of 2020

Arising Out of PS. Case No.-85 Year-2019 Thana- PRATAPGANJ District- Supaul

1. PANNA LAL SHARMA Son of Kailu Sharma Resident of Village - Govindpur, Surha Tola, P.S.- Pratapganj, District - Supaul
2. Rekha Devi Wife of Panna Lal Sharma Resident of Village - Govindpur, Surha Tola, P.S.- Pratapganj, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhouri Vipin Bihari Shrivastava
For the Opposite Party/s : None

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 20-10-2020 Heard learned counsel for the parties.

This application for grant of regular bail arises out of Pratapganj P.S. Case No. 85 of 2019, disclosing offence punishable under Sections 302/34 of the Indian Penal Code.

The petitioners are husband and wife. They are in custody since 20.09.2019. The petitioner No.1 is the elder brother of the informant. It is alleged in the First Information Report that on 10.08.2019, the petitioners started quarreling with the informant's wife without any reason and assaulted her because of which she got seriously injured and unconscious. Subsequently, she was taken to PMCH on 12.08.2019 but she died on 16.08.2019. The assault is said to have been made by



mungra and iron rod.

Learned counsel appearing on behalf of the petitioners has argued that as per the case of the prosecution, though the occurrence had taken place on 10.08.2019, the FIR came to be registered on 16.08.2019 only after the death of the deceased, which casts serious doubt about the case of the prosecution. The petitioner No.1 is in custody since 20.09.2019 whereas petitioner No.2 is in custody since 24.11.2019.

It has been argued that the charge-sheet has been submitted and that no tangible purpose will be served by keeping the petitioners in jail any further.

Considering the above submission and the nature of allegation, this application is allowed.

Let 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 learned SDJM, Birpur, Supaul in Paratapganj P.S. Case No. 85 of 2019.

(Chakradhari Sharan Singh, J)

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