

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25808 of 2020**

Arising Out of PS. Case No.-291 Year-2019 Thana- ADAPUR District- East Champaran

1. SUBHASH KUSHWAHA @ SUDESH PRASAD Son of Sajawal Mahto Resident of Village- Ghorasahan, P.S.- Harpur, Dist- East Champaran.
2. Mukhlal Kushwaha Son of Sajawal Mahto Resident of Village- Ghorasahan, P.S.- Harpur, Dist- East Champaran.
3. Sajawal Mahto Son of Late Bahadur Mahto Resident of Village- Ghorasahan, P.S.- Harpur, Dist- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

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

ORAL ORDER

2      14-10-2020                      Heard Mr. Umesh Chandra Verma, learned counsel appearing on behalf of the petitioners and Mr. Aslam Ansari, learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of regular bail arises out of Adapur (Harpur) P.S. Case No. 291 of 2019, registered for the offence punishable under Sections 302, 201, 120B/34 of the Indian Penal Code.

Petitioners No. 1 and 2 are full brothers, who are sons of petitioner No.3. The deceased is son of petitioner No.3 and apparently full brother of petitioners No. 1 and 2. Wife of the deceased is the informant. The occurrence is alleged to be of 11.11.2019. According to her own assertion, she had gone to her



paternal home (*maika*), when she had received certain information regarding a quarrel having taken place between her husband and co-accused Ram Udesb Kushwaha. It is her case that on receiving the information, she went back to her matrimonial house with her family members. Her husband was not found and on search and subsequently, the dead body was found thrown in a paddy field. She has further alleged that there had been some scuffle earlier between the co-accused Ram Udesb Kushwaha and the deceased-husband leading to registration of a criminal case, which was subsequently compromised.

Learned counsel appearing on behalf of the petitioners has submitted that it is highly improbable that father and full brothers of the deceased would jointly indulge in the alleged killing. He has further submitted that the implication of these petitioners is apparently on the basis of mere suspicion.

On perusal of the First Information Report, I find substance in submission made on behalf of the petitioners that the same does not disclose any material foundation for the petitioners to be implicated by the informant, in killing of the deceased nor does it disclose any basis to suspect the involvement of these petitioners in commission of the offence.



The petitioners are in custody since 20.01.2020 after they surrendered before the Court below.

Considering the above noted facts and circumstances, 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 S.D.J.M., Raxaul, East Champaran at Motihari, in Adapur (Harpur) P.S. Case No. 291 of 2019.

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 |  |
|---|--|---|--|

