

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67293 of 2019

Arising Out of PS. Case No.-40 Year-2018 Thana- PAWANA District- Bhojpur

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1. KALAWATI DEVI Wife of Vijay Kumar Kahar @ Vijay Kumar Resident of Village - Dhobahan, P.S.- Pawana, Distt - Bhojpur.
 2. Mamta Kumari D/o Vijay Kumar Kahar @ Vijay Kumar Resident of Village - Dhobahan, P.S.- Pawana, Distt - Bhojpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mr.Satyavrat Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-01-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in this case are seeking regular bail in connection with Pawana P.S. Case No. 40 of 2018 registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the prosecution story, when the informant reached near the house of the petitioners he heard some sound and on reaching there he found that the named accused persons including the petitioner no. 2 were coming down the stairs from the upper floor of the house, thereafter, he is said to have gone inside the house and found that his son was lying in pool of blood, he was dead and in the room he found one pointed weapon and a spade, he is also said to have seen



the petitioner no. 1 cleaning the blood in the room.

Learned counsel submits that the allegations against these petitioners are only concocted and baseless and the similarly situated co-accused Deepak Sah and Bhanu Kumar have been granted regular bail by learned co-ordinate Bench of this Court. Bhanu Kumar was said to be a juvenile.

So far as case of petitioner no. 2 is concerned, learned APP for the State does not dispute that her case stands on similar footing that of Deepak Sah who has been granted bail, however, his contention is that the petitioner no. 1 was found cleaning the blood in the room.

Submission of learned counsel for the petitioner is that the thrust of allegation is against Ranjeet Kumar the son of Vijay Kahar with whom the deceased had a scuffle and learned co-ordinate Bench while granting bail to Deepak Sah has taken note of the submissions that the reason for murder was the said scuffle between the deceased and Ranjeet Kumar who had called him and took the deceased on his room and there he was killed.

Considering the facts and circumstances of the case and the submissions noticed hereinabove wherein the thrust of the allegations seems to be there against Ranjeet Kumar who is said to be in custody and that no specific role has been alleged against these petitioners in the killing of the son of the informant, the



petitioners being in custody since 20th July, 2018, investigation against them is complete, let the petitioners above named be released on bail in Sessions Trial No. 358 of 2018 arising out of Pawana P.S. Case No. 40 of 2018 on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge, Bhojpur at Ara, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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