

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83039 of 2019

Arising Out of PS. Case No.-103 Year-2019 Thana- ALINAGAR District- Darbhanga

1. GHURAN MUKHIYA S/o Late Ram Rup Mukhiya R/o Village- Nanhkar, P.S.- Alinagar, District- Darbhanga.
2. Laxmi Mukhiya S/o Ghuran Mukhiya R/o Village- Nanhkar, P.S.- Alinagar, District- Darbhanga.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate
Mr. Udit Nr. Singh, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 18-03-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking regular bail in connection with Alinagar P.S. Case No. 103 of 2019 registered for the offence punishable under Sections 302, 201, 120(b) of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the first information report, the husband of the informant was having an illicit relationship with informant's *bhabhi* and he was regularly going to visit her and was staying overnight at her *bhabhi's* place. It is further alleged that the husband of the informant had been keeping the nephew of the informant in his



village where he was carrying on his study. As per the allegation, on 18.10.2019 at about 8:00 P.M. *bhabhi* of the informant had called the husband of the informant. Later on, in the morning the informant came to know that the dead body of the husband of the informant has been found in an orchard where he was found hanging. The informant therefore raised a suspicion that her *bhabhi* had conspired along with the nephew and other persons of the family and they after calling the husband of the informant in the orchard, murdered him.

Learned counsel submits that so far as these two petitioners are concerned, they are not named in the F.I.R. but in course of investigation they have been involved in this case being the co-sharers of the father of the informant.

Learned counsel submits that there is no eye-witness to the alleged occurrence and these petitioners are living separately for about 30 years in mess and business with the father of the informant and had no reason to be involved in the alleged occurrence and as such, their involvement is on mere suspicion.

Learned APP for the State is present and though he opposed the prayer for regular bail of the petitioners but admits that so far as these petitioner are concerned, they have been



brought in this case being the co-sharers of the father of the informant and on the basis of the statement of the co-accused.

Considering the facts and circumstances of the case wherein it is the submission of the learned counsel for the petitioners that these petitioners are not named in the F.I.R, they are co-sharers of the father of the informant and are living separately and they have been brought in this case on mere suspicion as there is no independent witness to the case, the petitioners are in custody since 23.10.2019, investigation against them is complete and there is no submission on behalf of the prosecution that their release is likely to interfere with the course of trial and there is no chance of tampering with evidence, let the petitioners above-named be released on bail on furnishing bail bonds of Rs.15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Benipur, in connection with Alinagar P.S. Case No. 103 of 2019, subject to the conditions as laid down under Section 437(3) of the 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

(iii) 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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