

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84914 of 2019

Arising Out of PS. Case No.-676 Year-2019 Thana- HAJIPUR District- Vaishali

BABITA DEVI W/o Late Om Prakash Resident of Village - Hathsagar Gajn,
Ward No.2, P.S.- Town, Distt.- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan Sinha, Advocate
For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-01-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner in this case is seeking regular bail in connection with Hajipur Town P.S. Case No. 676 of 2019 registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story, Om Prakash who was the younger brother of the informant while sleeping along with his mother, his son and daughter and wife in one room was shot dead by his nephew Mukesh Kumar. It is alleged that said Mukesh Kumar had developed illicit relationship with this petitioner who happened the wife of the younger brother of the informant and there was a panchayati also in this regard wherein the wife of the younger brother of the informant was sent out of the village. Allegation



is that the petitioner had in conspiracy with said Mukesh Kumar got the younger brother of the informant killed.

Learned counsel submits that it is a case of false implication inasmuch as both the parties are the co-sharers and there have been a dispute over sharing of the sale proceeds of the land. It is further submitted that the informant was himself having bad intention against this petitioner and for that reason also the panchayati was held and in fact it is the informant who has got his brother murdered and became informant of the case.

Learned APP has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the son of the deceased has claimed himself an eye witness and has alleged that Mukesh Kumar is the assailant who had fired shot and this petitioner has not been named to be present with said Mukesh Kumar at the time of alleged occurrence, let the petitioner be released on bail in connection with Hajipur Town P.S. Case No. 676 of 2019 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 Chief Judicial Magistrate, Vaishali at Hajipur, 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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