

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12391 of 2021

Arising Out of PS. Case No.-51 Year-2020 Thana- GHOSWARI District- Patna

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Gudiya Devi @ Guriya Devi Wife of Late Ram Kripal Yadav Resident of
Village - Paijana, Police Station - Ghoswari, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 12571 of 2021

Arising Out of PS. Case No.-51 Year-2020 Thana- GHOSWARI District- Patna

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Maruti Kumar @ Mukesh Kumar Son Of Ramnivash Jamadar R/o village-
Tartar, P.S.- Ghoswari, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 12391 of 2021)

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Advocate

For the State : Mr. Amit Kumar Rakesh, APP

For the Informant : Mr. Manoj Kumar Pandey, Advocate

(In CRIMINAL MISCELLANEOUS No. 12571 of 2021)

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Advocate

For the State : Mr. Shailendra Kumar, APP

For the Informant : Mr. Manoj Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 10-08-2021 Heard learned counsel for the parties through video conferencing.

Both the applications for grant of regular bail arising
out of the same FIR i.e. Ghoswari P.S. Case no. 51 of 2020, the
applications have been taken up together.



The petitioners have preferred these applications for grant of regular bail in a case registered under sections 302, 201 and 34 of the Indian Penal Code.

As per allegation in the FIR, there was illicit affair between the wife of the deceased and Dharmveer Yadav. It is stated by the informant that his brother (deceased) tried to reason with his wife about staying away from Dharmveer Yadav, however, the affair continued and it is for the same that as per allegations, Guriya Devi entered into a conspiracy and got her husband ie the informant's brother killed.

It is submitted by learned counsel for the petitioners that the allegations as levelled in the FIR are false and concocted. The petitioners have been falsely implicated in the case. So far as the petitioner Guriya Devi is concerned, only a suspicion has been raised against her and even as per the material that has transpired during the course of investigation, no overt act has been alleged against her. She is in custody since 12.6.2020. With respect to the petitioner Maruti Kumar, it is submitted that the name of the petitioner transpired in the confessional statement of co-accused Dharmveer Yadav made before the police and subsequently the confessional statement of the petitioner himself recorded before the police. The same is



inadmissible. Further the petitioner has no cause to commit the alleged occurrence. He is in custody since 5.7.2020. Investigation in the case has concluded. The petitioners have no criminal antecedent.

Heard learned APPs for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the two petitioners having remained in custody for over one year and investigation in the case having concluded, both the petitioners are directed to be enlarged on bail in connection with Ghoswari P.S. Case no. 51 of 2020 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Barh.

(Partha Sarthy, J)

Spd/-

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