

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18102 of 2021

Arising Out of PS. Case No.-143 Year-2020 Thana- KURSAKANTA District- Araria

Mithilesh Singh @ Mithilesh Kumar Singh, Son Of Late Moti Singh Resident
Of Village - Pachhiyari Jhirua, Ward No.4, P.S.- Forbesganj, Simraha O.P.,
Distt.- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh- Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-11-2021 Heard the learned Advocate for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Kursakanta P. S. Case No.143 of 2020, instituted for the
offences under Sections 302/ 34 of the Indian Penal Code.

The petitioner is in custody since 26.08.2020 and he is
a person with clean antecedents. Charge-sheet has been
submitted in this case.

From bare perusal of the allegation as alleged in the
F.I.R., it would manifest that the informant alleges that his son
Deepchand Kumar Singh was having affair with Sarita Devi,
wife of this petitioner. Further petitioner is the own son of the
sister of the informant. Further that Sarita Devi had left her



husband and had come to stay with the deceased and on 24.08.2020, when Sarita Devi was sleeping in the room with the deceased, it is alleged that Sarita Devi came out shouting that Deepchand Kumar Singh has been killed by the petitioner.

Learned counsel for the petitioner submits that admittedly, the petitioner and the deceased were own cousin brothers and it is also admitted that wife of this petitioner was having an affair with the deceased and thus, she had left him and had gone to stay with the deceased.

From the F.I.R., it is also culled out that Sarita Devi was sleeping with Deepchand Kumar Singh and it was Sarita Devi, who came out shouting that Deepchand has been killed by this petitioner that is her own husband.

Learned counsel for the petitioner submits that it absolutely defice logic, wisdom and reasonable human behaviour that the husband who knows his wife is sleeping with her lover would kill the lover and get himself identified. Learned counsel for the petitioner further submits that since Sarita Devi was having affair with the deceased and the deceased got killed as such, she took an opportunity to implicate the present petitioner that is her husband.

Learned A.P.P. opposes the bail application.



The Court for the purposes of bail for the present, agree with the submission of the learned counsel for the petitioner.

Since the petitioner is in custody since 26.08.2020 and charge-sheet has been submitted in this case and the petitioner is a person with clean antecedent, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Araria in connection with Kursakanta P. S. Case No.143 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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