

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18335 of 2021

Arising Out of PS. Case No.-648 Year-2020 Thana- BAGHA District- West Champaran

1. DEELIP MUKHIYA Son of Swaminath Mukhiya Resident of Village-Pararkhap, P.S.- Bhairoganj, District- West Champaran.
2. Roshan Mukhiya Son of Lakshaman Mukhiya Resident of Village-Lagunaha Patilar, P.S.- Choutarawa, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Milind Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-07-2021 Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, office will place the matter before the Bench.

The petitioners seek bail in connection with Bagaha (Bhairoganj) P.S. Case No.648 of 2020 registered for the offence punishable under Sections 376, 302, 120 of the Indian Penal Code.

The prosecution case in short is that wife of the informant has been killed by the petitioners as prior to the alleged date of



occurrence also when she went to take away grass from sugar cane field, these petitioners and others were sitting in hidden position in middle of the field but fled away after seeing her. It is alleged that when she did not return, a search was made and her dead body was found tied with cloth in the sugar cane field.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. They have been falsely implicated in this case merely on the basis of suspicion due to previous enmity. It is further submitted that from perusal of the F.I.R. it appears that there is no eye witness to the occurrence who saw that deceased was killed by the petitioners and other co-accused persons and that they are involved in the occurrence in any manner. No incriminating article has been recovered from the conscious physical possession of the petitioners. There is general and omnibus allegation against the petitioners. The petitioners have no criminal antecedent and have been languishing in custody since 04.11.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, since there is general and omnibus allegation against the



petitioners, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, 1st Bagaha, West Champaran, in connection with Bagaha (Bhairoganj) P.S. Case No. 648 of 2020.

(Anjani Kumar Sharan, J)

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