

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26515 of 2020

Arising Out of PS. Case No.-50 Year-2020 Thana- MANIGACHI District- Darbhanga

1. LAL BIBI Wife of Late Safiur Rahman Resident of Village - Ijrahta, P.S.- Manigachhi, District - Darbhanga
2. Badre Alam Son of Late Safiur Rahman Resident of Village - Ijrahta, P.S.- Manigachhi, District - Darbhanga
3. Nasiruddin Son of Late Isahaq Resident of Village - Ijrahta, P.S.- Manigachhi, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Jitendra Kumar Giri
For the Opposite Party/s :	Mr. Manish Kumar No. 13
	Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 09-03-2021 Heard Mr. Jitendra Kumar Giri, learned counsel for the petitioners, Mr. Manish Kumar No. 13, learned counsel for the informant and Mr. Akshay Lal Pandit, learned counsel appearing for the State.

Learned counsel for the petitioners submits that during pendency of this bail application petitioner no. 3 namely, Nasiruddin, S/o Late Isahaq preferred another bail application vide Cr. Misc. No. 25265 of 2020 and a co-ordinate Bench of this Court has granted bail to the petitioner no. – 3 vide its order dated 02.11.2020.

Accordingly, learned counsel for the petitioners



submits that the name of petitioner no. – 3 may be deleted from the “Cause Title” of this case.

Permission is granted.

Let the name of petitioner no. 3 namely, Nasiruddin be deleted from the “Cause Title” of this bail application.

Petitioners seek regular bail in connection with Manigachhi P.S. Case No. 50 of 2020 registered for the offence punishable under Sections 302 / 201 / 34 of the I.P.C.

The allegation as per the First Information Report is that the informant, who happens to be the son of the deceased got information that his father has been killed by his step mother i.e. petitioner no. – 1 along with her son petitioner no. 2 and his dead body is hanging on the tree.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case due to land dispute between the parties. Learned counsel next submits that the father of the informant had two wives and the petitioner no. 1 is the second wife of the father of the informant and due to some family dispute he has committed suicide and the cause of death has been given as “asphyxia” due to hanging. Learned counsel next submits that petitioners are in custody since 22.02.2020. Learned counsel next submits that charge sheet has



already been submitted against the petitioners and there is no possibility that the petitioners will abscond or tamper with the evidence, if released on bail.

On the other hand, learned counsel for the State as well as informant vehemently oppose the prayer for bail and submits that the statement of the daughter of petitioner no. – 1 and the deceased was recorded during the course of investigation and she has supported the prosecution story that the deceased was assaulted and strangled by the accused persons including these petitioners.

Having regard to the submissions made by learned counsel for the parties and taking into consideration the materials available on record, the nature of allegation, the fact that charge sheet has already been submitted in the matter, the petitioners are in custody since 22.02.2020 and there is no likelihood that the petitioners will abscond or tamper with the evidence, as such, I am inclined to grant regular bail to the petitioner nos. 1 & 2.

Accordingly, let the petitioner nos. 1 & 2 namely, Lal Bibi and Badre Alam above named, be released on regular bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of



learned Additional Chief Judicial Magistrate VII, Darbhanga,
District Darbhanga / court concerned in connection with
Manigachhi P.S. Case No. 50 of 2020.

It is made clear that at the time of furnishing bail bond
all the parties shall follow the guidelines regarding social
distancing.

(Anil Kumar Sinha, J)

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