

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36341 of 2021

Arising Out of PS. Case No.-770 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

1. Munna Sah @ Munna Prasad Gupta, aged about 50 years, Gender-Male, S/O Late Shivnath Sah, R/O Village-Astipur, Lalachak, P.S-Sadar Hajipur, District-Vaishali.
2. Renu Devi, aged about 48 years, Gender-Female, W/O Munna Sah @ Munna Prasad Gupta, R/O Village-Astipur, Lalachak, P.S-Sadar Hajipur, District-Vaishali.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Baban Kumar, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-07-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 302/34 of the I.P.C.

The prosecution story, in brief, is that on 12.05.2020, the brother-in-law of the informant, namely, Chhotu Kumar, went to play cricket alongwith her neighbours, namely, Munna



Singh and Sachin Kumar. During the cricket play, quarrel took place between them and due to which, Sachin's mother, brother and sister beaten him. In anger, Sachin Kumar took poison. In Lalganj, he was given medical treatment and during the course of treatment, he died. Sachin's father got registered case against the informant's brother-in-law Chhotu Kumar, mother-in-law and father-in-law. After which, Munna Sah and his family members used to threaten her husband that they will kill him for which her husband given complaint/information against Dilip Sah, Munna Sah, Renu Devi, Nageshwar Saha, Shashi Kumar, Rahul Kumar and Rohit Kumar. When the informant went to her parental home for Chhath Puja at Lalganj Lalbasanta, her husband was alone at the home. On 22.11.2020 at about 12.00 P.M. she talked to her husband on Mobile, after that when she made call on the Mobile of her husband, the Mobile was ringing but it was not picked by anybody. She got doubt and she alongwith her mother came to her matrimonial home at about 3.30 P.M. in the evening she saw her husband was lying dead on the bed and has been murdered. She raised voice and informed to her relatives about murder of her husband.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent.



They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioner no. 2 is a lady. There is no eye witness to the alleged occurrence. The names of the petitioners have transpired in the present case merely on the basis of suspicion. Except for suspicion, neither there is any substantive evidence to suggest the implication of the petitioners in the present case nor there is any circumstantial evidence to suggest the participation of the petitioners in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned C.J.M. Hajipur at Vaishali, in connection with Hajipur Sadar P.S. Case No. 770 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only each with two sureties of the like amount each within a period



of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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