

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37196 of 2021

Arising Out of PS. Case No.-139 Year-2020 Thana- UJIYARPUR District- Samastipur

SUSHIL RAM Son of Gosai Ram Resident of Village - Paroriya, Ward No.10,
Ujiyarpur, P.S.- Ujiyarpur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha
For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 28-09-2021 Heard learned counsel for the petitioner and the
State.

The petitioner prays for grant of bail in a case registered for the offence punishable under sections 302 and 201 of the Indian Penal Code.

As per prosecution case, daughter of the informant was married with this petitioner about 11 years ago and out of the said wedlock, three children were born. Informant suspected that this petitioner who is husband of the deceased committed the murder of the deceased and buried her dead body.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case. There is no eye witness of the occurrence. During course of investigation no tangible material has come to show his complicity in the offence. No



motive has been impacted against this petitioner as to why petitioner would commit murder of his wife. It is further submitted that petitioner informed the informant about missing of his wife which fact is born out from the FIR itself. Dead body was found on 22.9.2020 and the informant at the instance of the enemy, lodged this false and fabricated case against this petitioner. Petitioner is in custody since 23.05.2020. Charge sheet has already been submitted.

Learned counsel for the State opposes the prayer for bail.

Considering the period of custody, this bail application is allowed. Let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Addl. Sessions Judge, Dalsingsarai District Samastipur in Sessions Trial no. 213/2020 arising out of Ujiyarpur P.S. Case no. 139/2020 on the following conditions.

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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