

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40767 of 2021

Arising Out of PS. Case No.-247 Year-2020 Thana- SAHAR District- Bhojpur

Khushbu Kumari D/O- Late Barun Rai Resident of village - Perhap, P.S. -
Sadar, District - Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarveshwar Tiwary

For the Opposite Party/s : Mrs.Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 21-10-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Sahar P.S. Case No. 247 of 2020, registered for the offence under Section 302, 120B of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, this petitioner alongwith others killed the son of the informant by causing fire-arm injury. The informant has raised suspicion against this petitioner because petitioner was in love-affairs with co-accused Chullu Baba @ Chullu Kumar and son of informant used to protest the love-affairs.

It is submitted on behalf of petitioner that there is no eye-witness to the occurrence and petitioner has been made accused in this case only on suspicion. In fact, there was dispute between the deceased and co-accused Chullu Baba @ Chullu Kumar. There is general and omnibus allegation and no specific



overt act has been alleged against this petitioner. Similarly situated co-accused Indu Devi has already been granted bail by a coordinate Bench of this Court, vide order dated 05.07.2021 passed in Cr.Misc. No. 12714 of 2021 (Annexure – 2).

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - VI, Ara, Bhojpur in connection with Sahar P.S. Case No. 247 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled 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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