

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44912 of 2021

Arising Out of PS. Case No.-83 Year-2019 Thana- RAMGARHWA District- East Champaran

1. Usha Devi W/O Santosh Sah @ Santosh Prasad Resident Of Village-Bandhu Barwa, P.S-Ramgarhwa, District-East Champaran.
2. Prashansa Devi @ Prashansa Kumari W/O Late Mukesh Prasad Resident Of Village-Bandhu Barwa, P.S-Ramgarhwa, District-East Champaran.
3. Prabhu Sah @ Prabhu Prasad S/O Santosh Sah @ Santosh Prasad Resident Of Village-Bandhu Barwa, P.S-Ramgarhwa, District-East Champaran.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Zainul Abedin, APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek bail in connection with Ramgarhwa, P.S. Case No. 83 of 2019 registered for the offences punishable under Sections 302/34 Indian Penal Code.

The prosecution story in brief is that the informant submitted written report before officer-in-charge of Ramgarhwa P.S., alleging therein that on 6.05.2019 the informant and his son, namely Mukesh Prasad had gone to “Sasural” to attend a



marriage ceremony, the informant returned after two days, and his son stated that he would come with his wife after “Bidagiri”. On 9.5.2019 he got information that accused persons including the petitioners killed his son by tying rope in his neck.

Learned counsel for the petitioners submit that petitioners have clean antecedent and has committed no offence and he has falsely been implicated in the present case. Petitioner no. 1 is mother-in-law of the deceased, petitioner no. 2 is wife of the deceased and petitioner no. 3 is brother-in-law of the deceased.

He has further submitted that during investigation there is no criminal incriminating material have been found against the petitioner. He has further submitted that there is no eye witness of the occurrence. He has further submitted that co-accused namely Santosh Sah @ Santosh Pd., who is father in law of the deceased has been granted bail by the co-ordinate Bench of this Hon'ble court vide order dated 23.01.2022 in Cr. Misc. No. 65623 of 2019. That the petitioner nos. 1 and 2 are in custody since 16.03.2021 and the petitioner no. 3 is in custody since 07.03.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.



Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, 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 the learned Sub-Divisional Judicial Magistrate, Raxaul, East Champaran at Motihari in connection with Ramgarhwa P.S. Case No. 83 of 2019 subject to the following conditions:-

1. Petitioners 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

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

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.



However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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(Rajesh Kumar Verma, J)

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