

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35769 of 2020

Arising Out of PS. Case No.-73 Year-2020 Thana- SARAI District- Vaishali

1. PATIRAM SINGH son of Ram Ishwar Singh @ Rameshwar Singh Resident of Village- Shital Bhakurahar, P.S.- Sarai, District- Vaishali.
2. Mili Devi W/o Patiram Singh (Wrongly described as Kamleshwari Devi in the F.I.R.) Resident of Village- Shital Bhakurahar, P.S.- Sarai, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suman Kumar Verma, Advocate
For the Opposite Party/s : Smt. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 02-03-2021 Heard the learned counsel for the petitioners and Smt. Anita Kumari Singh, the learned A.P.P. for the State.

The petitioners seek regular bail in connection with Sarai P.S. Case No. 73 of 2020 for the offence registered under Sections 302/34 of the Indian Penal Code.

The allegation is regarding the petitioner no. 1 having taken away the deceased Sonu Kumar with him to his house and subsequently the family members of the deceased Sonu Kumar did not find him on his bed on the next morning, whereafter they had started searching for him and during the course thereof they came to know that the petitioner no. 1 and his family members have killed the son of the informant,



namely, Sonu Kumar as well as the daughter of the petitioner no. 1 whose dead bodies were found at the house of the petitioners.

After some argument, the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioner no. 1, however, submits that as far as the petitioner no. 2 is concerned, since there is no material on record to connect her with the alleged crime, at least the petitioner no. 2 be granted bail.

Per contra, the learned A.P.P. for the State Ms. Anita Kumari Singh submits that there are ample materials in the case diary to suggest the complicity of the petitioners and it is the petitioner no. 1 who had taken away the deceased Sonu Kumar and then the deceased boy and girl are stated to have been killed and their dead bodies were found hanging from a fan in the house of the petitioner no. 1, hence the complicity of the petitioner no. 1 is writ large from the records as also from the case diary.

Having regard to the facts and circumstances of the case and considering the materials available on record, this Court finds that as far as the petitioner no. 2 is concerned, no serious allegations have been levelled against her and moreover,



minuscule evidence is available in the case diary as against her, apart from the fact that she is having a clean antecedent and is languishing in custody since 12.06.2020, hence I deem it fit and proper to direct for release of the petitioner no. 2 herein on regular bail.

Accordingly, the petitioner no. 2, above named, is directed to 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 Additional Chief Judicial Magistrate-XIII, Hajipur (Vaishali) in connection with Sarai P.S. Case No. 73 of 2020.

Since the learned counsel for the petitioners has not pressed the present petition qua the petitioner no. 1, the same stands dismissed as not pressed, as far as petitioner no. 1 is concerned.

(Mohit Kumar Shah, J)

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