

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8854 of 2021**

Arising Out of PS. Case No.-128 Year-2015 Thana- PARAIYA District- Gaya

1. MANOJ SAW Son of Late Shambhu Saw Resident of village- Kapasia, P.S. - Paraiya, District - Gaya.
2. NILAM DEVI Wife of Manoj Saw Resident of village- Kapasia, P.S. - Paraiya, District - Gaya.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nand Kishore Prasad Sinha, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 29-06-2021 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Paraiya P.S. Case No. 128 of 2015 registered for the offences punishable under Sections 302/34 of Indian Penal Code.

Learned counsel for the petitioners submits that as per the prosecution story the daughter of the informant Sunita Devi was married with Sanoj Kumar Gupta. The brother-in-law Manoj Saw and Sister-in-law Nilam Devi always quarreled with Sunita Devi as they didn't want to give her share in the ancestral property. On 4.12.2015



the husband of the deceased (Sunita Devi) informed the informant through mobile phone that his wife was burnt to death by Manoj Saw and Nilam Devi.

Learned counsel submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the petitioners were living separately in mess and business at Ranchi (Jharkhand) and they have got no concern with the aforesaid occurrence. The petitioners are in custody since 16.1.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that they are the Bhaisur and Gotni respectively of the deceased, they were living separately in mess and business, however, they have been falsely implicated in this case, they have remained in custody in connection with the present case since 16.01.2020 but the trial is not likely to be concluded in near future, considering the circumstances, this Court directs release of the petitioners above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of the Court of Shri Santosh Kumar Dubey, learned Judicial Magistrate, First Class Gaya in connection with Paraiya P.S. Case No. 128 of 2015, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:



(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

