

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83812 of 2019

Arising Out of PS. Case No.-114 Year-2019 Thana- SHERGHATI District- Gaya

1. Suniana Devi @ Sunaina Devi Wife of Khuti Mallah Resident of Village- Mahuadih, P.S.- Sherghatti, in the district of Gaya.
2. Mukesh Mallah Son of Khuti Mallah Resident of Mahuadih, P.S.- Sherghatti in the district of Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Braj Nandan Kumar Tiwary
For the Opposite Party : Mr. Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

7 05-01-2021

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Sherghati P.S. Case No. 114 of 2019 for the offence punishable under Sections 302/34 of the Indian Penal Code.

Petitioner No. 1 is the wife and petitioner No.2 is son of one Khuti Mallah. The brother of the deceased is the informant. It has been alleged in the First Information Report that the deceased was found murdered in his hut. There is allegation of suspected involvement of Khuti Mallah and his wife (petitioner) in commission of the offence.

Learned counsel appearing on behalf of the



petitioners has submitted that they have been implicated only on the basis of suspicion and there is absolutely no material collected against them during the course of investigation to justify their implication in the present criminal case. It has come in paragraph 5 of the case diary that one of the witnesses disclosed to the police that he had seen the deceased moaning in pain and saying that Khuti Mallah had assaulted him.

Considering the fact that there is absolutely no material collected in course of investigation to connect these petitioners to the offence alleged, this application is allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Sherghati, Gaya, in Sherghati P.S. Case No. 114 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions,



their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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