

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2612 of 2022**

Arising Out of PS. Case No.-406 Year-2021 Thana- GAURICHAK District- Patna

1. Sushila Devi Wife of Surya Sao @ Surydeo Prasad R/O Village- Dariyapur, P.S.- Gaurichak, District- Patna
2. Rani Devi Wife of Mukesh Kumar R/O Village- Dariyapur, P.S.- Gaurichak, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Abhinay Raj, Advocate

For the Opposite Party/s : Mr.Naveen Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      03-09-2022                      Heard learned counsel appearing on behalf of the  
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioners seek bail in connection with  
Gaurichak P.S. Case No. 406 of 2021 registered for the offence  
under Sections 302 and 34 of the Indian Penal Code and after  
investigation charge-sheet has been submitted for the offence  
under Sections 302, 201 and 120B of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and in  
custody since 21.09.2021.

The allegation against both the petitioners is to



commit murder of nephew (Bhanja) of the informant, along with other co-accused persons, for family property dispute.

Learned counsel appearing on behalf of the petitioners submitted that informant is not the eye witness of the occurrence, where the entire allegation is based upon suspicion in the background of family property dispute. It is submitted that alleged cause of death is throttling but post-mortem report suggesting otherwise as cause of death is burn injury, which creates a doubt over entire allegation against both the petitioners. It is further submitted that both the petitioners are ladies, where petitioner no.1 is grandmother of the deceased and petitioner no.2 is Aunt of the deceased. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that informant is not the eye witness of the occurrence, as per FIR.

Considering the facts and circumstances as mentioned above, as informant is not the eye witness of the occurrence, where the entire allegation is based upon suspicion and as nothing incriminating surfaced during course of investigation to



connect petitioner, *prima facie*, with present set of occurrence coupled with the fact that charge-sheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Gaurichak P.S. Case No. 406 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Patna City, Patna/concerned court, subject to the following conditions as laid down u/s 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

R.S.Sen/-

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