

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2967 of 2022

Arising Out of PS. Case No.-58 Year-2021 Thana- SANGRAMPUR District- Munger

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ALKA KUMARI Daughter of Pawan Bind Resident of Village - Tetia, P.S.
Tetia Bamber (Sangrampur), District - Munger.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 7861 of 2022

Arising Out of PS. Case No.-58 Year-2021 Thana- SANGRAMPUR District- Munger

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PRITAM SINGH @ PRITAM KUMAR S/O LATE MOHAN SINGH R/o
village- Mauriyari, P.O. and P.S.- Saidpur, Distt.- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 2967 of 2022)

For the Petitioner/s : Mr.Ravish Mishra

For the Opposite Party/s : Mr.Shailendra Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 7861 of 2022)

For the Petitioner/s : Mr.Parth Gaurav

For the Opposite Party/s : Mr.Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 14-07-2022 The present matter has been listed under the heading

“To Be Mentioned” on the basis of motion slip filed on behalf of

the petitioners.

Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.



Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Sangrampur (Tetia Bamber) P.S. Case No. 58 of 2021 registered for the offences punishable under Sections 302, 201, 34 of the Indian Penal Code.

Briefly stated fact of the prosecution case is that informant's son Sajan Kumar went to Tetia on 06.03.2021 at about 10:00 AM. He had told that he will return within 2-3 days. It is further alleged that marriage of Sajan Kumar was fixed with petitioner Alka Kumari but due to some misconception marriage could not be solemnized, despite that informant's son used to go to the village of petitioner Alka kumari. On 08.03.2021 the informant received information on his mobile that dead body of his son is lying in the field of Tetia. On this information, informant went there and found the dead body of his son. The informant has strong belief that petitioner Alka Kumari and others concertedly assaulted informant's son and his dead body was thrown after committing the murder. Reason behind the alleged occurrence has been disclosed in the FIR that marriage of his son has broken on account of protest raised by petitioner Pritam Kumar.



Learned counsel appearing for the petitioner Alka Kumari submits that petitioner is in custody since 05.07.2021 and bears no criminal antecedent. He further submits that petitioner is lone child of handicapped parents. Neither the informant was an eye witness to the occurrence nor he has named anyone who has witnessed the occurrence of crime. He further submits that informant gave information regarding the occurrence to police on 08.03.2021 at around 8:45 PM but surprisingly the dead body for postmortem examination was handed over to the doctor on 08.03.2021 at around 6:55 PM and the postmortem was conducted by the doctor on 09.03.2021 at around 8:00 AM wherein they have remarked that death has happened 24 hours prior and the cause of death was haemorrhage and shock due to the injuries to vital organs which is evident from Annexure-4 of the bail petition. It is submitted that son of informant made numerous number of mischief calls to the petitioner wherein all kinds of filthy language and threatening were given to her and to calm down and control the matter, her parents also made interference and solely on this basis the petitioner has been made accused in this case. It is further submitted that son of the informant was last seen with his uncle Anand Kumar and the said fact proves the innocence



of the petitioner. Charge sheet has been submitted in the case and there is no likelihood of tampering the prosecution evidence. No incriminating material or weapon of offence has been recovered from possession of the petitioner. Co-accused Pawan Bind @ Pawan Kumar has already been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 5447 of 2022 and the case of present petitioner stands more or less on similar footing as there is no legal evidence against her.

Learned counsel appearing for the petitioner Pritam Singh @ Pritam Kumar submits that petitioner has been falsely implicated in this case only because he is cousin of Alka Kumari (petitioner in Cr. Misc. No. 2967 of 2022). Petitioner is in custody since 05.07.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering the prosecution evidence. He further submits that petitioner and deceased were friends and they used to meet with each other whenever petitioner visited his aunt's house at Sangrampur. There is no eye witness of the alleged occurrence. No incriminating material or weapon of offence has been recovered from possession of the petitioner. Co-accused Pawan Bind @ Pawan Kumar has already been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 5447 of



2022 and the case of present petitioner stands more or less on similar footing as there is no legal evidence against him.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners pointing out the communication between the deceased and petitioners.

Considering the facts and circumstances of the case, period of custody, nature of allegation, keeping in view clean antecedent of petitioners, charge sheet has been submitted in the case and there is no likelihood of tampering the prosecution evidence, co-accused has been granted bail on similar accusation and also taking into consideration the material available on record, let the petitioners above named be released on bail 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 Chief Judicial Magistrate, Munger in connection with Sangrampur (Tetia Bamber) P.S. Case No. 58 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive



dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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