

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16551 of 2021

Arising Out of PS. Case No.-285 Year-2019 Thana- SASARAM MUFFSIL District- Rohtas

1. MUKHU PASWAN S/O LATE JAWAHAR PASWAN R/o village- Durgapur, P.S.- Sasaram (M), District- Rohtas
2. MIRA DEVI W/O SRI MAKHU PASWAN R/o village- Durgapur, P.S.- Sasaram (M), District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar

For the Opposite Party/s : Mr. Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 23-03-2022 Heard the learned counsel for the petitioners and

the learned APP for the State.

The petitioners, who are husband and wife amongst themselves seek bail in anticipation of their arrest in connection with Sasaram (M) P.S. Case No. 285 of 2019 instituted for the offences under Sections 302/34 of the Indian Penal Code.

The nephew of the informant was found dead. He had received gunshot injuries. The informant has suspected none as the deceased had only recently been married and had enmity with none. However, during the course of



investigation, it came to light that the deceased was residing at Faridabad in a house in which the petitioners also were residing. It has also come to light that the petitioner no. 2, namely, Mira Devi had developed illicit relationship with one Awadhesh Kumar with whom she stayed for about four-five months. However, when her husband, who is the petitioner no. 1 in this application arrived in Faridabad, aforesaid Awadhesh Kumar started living separately.

There is yet another theory suggested by the Investigating Officer. It has been recorded in the police papers that the deceased had given Rs. One Lakh to petitioner no. 1 because of his close association with petitioner no. 2, who is the wife of petitioner no. 1. when that money was demanded by the deceased, he was done to death by the petitioners.

The learned counsel for the petitioners has submitted that the police has been throwing darts in the dark. There is no definite story-line on which the investigation has proceeded. There was no reason to have introduced the story of illicit relationship of petitioner no. 2



with aforesaid Awadhesh Kumar, who has nothing to do with the affairs of the petitioners and the deceased.

Without there being any evidence, it appears that the Investigating Officer has come to the conclusion that the murder took place somewhere near the house of petitioner no. 1.

The conflicting theories about the death of the deceased makes the case against the petitioners absolutely doubtful.

Considering the afore-noted aspects of the matter, the petitioners were granted provisional bail by order dated 06.01.2022.

Since nothing otherwise has been found in Investigation Papers, the provisional bail granted to the petitioners is hereby confirmed. They shall remain on the same bail bonds.

The petition stands allowed accordingly.

(Ashutosh Kumar, J)

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