

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6608 of 2022

Arising Out of PS. Case No.-603 Year-2020 Thana- KANTI District- Muzaffarpur

Jitu Ram S/o Late Meghu Ram Resident of Village - Birpur, P.S. - Kanti,
District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
CAV ORDER

5 10-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner seeks bail in connection with a case
registered for the offence punishable under Sections 302 and
201 of the Indian Penal Code.

The prosecution case, in short, is that daughter of the
informant namely, Manisha Devi informed her mother namely,
Sunaina Devi (informant) by mobile on 30.09.2020 that her
husband Sunil Ram (deceased) on 28.09.2020, in the night, was
attacked by his father who pierced '*Phasuli*' below the chest of
her husband, who consequently suffered grievous injury. During
the treatment, on 30.09.2020 at 06:00 pm, Sunil Ram



succumbed to the injury and after getting the information, Sunaina Devi (informant) filed instant case (F.I.R).

Learned counsel for the petitioner submits that petitioner is innocent and he has been implicated in this case only on the basis of suspicion. It is also submitted that prior to the occurrence, the wife of the deceased Manisha Devi, who wanted their share in the property due to which, some hot talk took place between the father and the son. It is further submitted that from perusal of the F.I.R, it transpires that the date of occurrence is 28.09.2020 and the F.I.R lodged on 01.10.2020 while the deceased died on 30.09.2020. Further, it is submitted that since 28.09.2020, the wife of the deceased neither inform to the police nor her parents but when the deceased died then she informed her mother by mobile, who given written complain before the police. The petitioner is in custody since 02.10.2020, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Perused the records and case diary, the learned Court below has rejected the bail application of the petitioner on the ground that Manisha Devi has made statement under Section



161 Cr.P.C. before the police and supported the prosecution case. However, the case diary was called in this matter and was perused whereby no such statement by Manisha Devi being eye-witness as claimed by the informant has made any statement before the Police with regard to the occurrence. The observation by the learned lower Court does not find mention in the case diary, which is apparently error of record. The learned counsel for the petitioner further submits that the petitioner is in custody since 02.10.2020 and has no criminal antecedent.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-20th, Muzaffarpur in connection with Sessions Trial No. 205 of 2021 arising out of Kanti P.S. Case No. 603 of 2020.

(Khatim Reza, J)

Gaurav Kumar/-

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