

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7130 of 2022

Arising Out of PS. Case No.-125 Year-2021 Thana- MIRGANJ District- Purnia

1. Bhumi Sah Son Of Late Munni Sah R/O Village- Khagha, P.S.- Mirganj, District- Purnea
2. Sunil Sah Son Of Bhumi Sah R/O Village- Khagha, P.S.- Mirganj, District- Purnea
3. Laddu Sah Son Of Narayan Sah R/O Village- Khagha, P.S.- Mirganj, District- Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Advocate
For the Opposite Party/s : Mr.Nityanand, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 15-09-2022 Heard learned counsel for the petitioners and the State.

Petitioners apprehend arrest in a case registered for offence punishable under sections 302/34 of the Indian Penal Code.

As per the prosecution case, while the informant was taking tea petitioner called her husband, thereafter, he went with the petitioner. Suddenly, at 1 pm informant heard that dead body of her husband was hanging on a mango tree. Informant suspects that petitioner and other accused persons killed her husband.



Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case on suspicion. There is no eye witness of the occurrence including the informant. During investigation none of the witnesses has supported the prosecution case and at best it can be said that the petitioner was last seen with the deceased.

Learned counsel appearing for the State opposes the prayer for bail. He submits that there is specific allegation against the petitioner is that he along with other co-accused persons killed informant's husband. Witnesses in para 9, 10 and 11 of the case diary have supported the prosecution version. Post mortem report also opines that cause of death was due to asphyxia resulting from throttling.

In view of the nature and gravity of allegation, prayer for bail of the petitioners is refused with direction to surrender and seek regular bail which would be considered and disposed of on its own merit without prejudice.

(Prabhat Kumar Singh, J)

shashi/-

U		T	
---	--	---	--

