

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4364 of 2022

Arising Out of PS. Case No.-169 Year-2021 Thana- HALSI District- Lakhisarai

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Rudal Dhadhi @ Rudal Dhari, Son Of Atwari Dhari @ Atwari Dhadhi, R/O
Village- Bachha, P.S.- Halsi, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 7479 of 2022

Arising Out of PS. Case No.-169 Year-2021 Thana- HALSI District- Lakhisarai

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Gulphul Devi, Wife Of Surendra Yadav, R/O Village- Gaura, P.S.- Halsi,
District- Lakhisarai (bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 4364 of 2022)

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 7479 of 2022)

For the Petitioner/s : Mr. Amrendra Kumar, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-11-2022 Since both the applications arise out of Halsi P.S.

Case No. 169 of 2021, as such, they have been taken together

and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned

APP for the State.

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



removed within a period of four weeks.

In the present case, the petitioners seek bail in connection with Halsi P.S. Case No. 169 of 2021 registered for the alleged offences under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the informant/petitioner Gulphul Devi gave a written report to the police regarding murder of her husband by the F.I.R. named co-accused persons and two unknown miscreants who fired upon her husband and killed him. But during investigation it came to the knowledge that the informant was having illicit relationship with her brother-in-law and under a conspiracy she got her husband murdered. The name of petitioner Rudal Dhadhi @ Rudal Dhari also came up during investigation as one of the persons involved in the murder of husband of the informant.

The learned counsel for the petitioner Rudhal Dhadhi @ Rudal Dhari submits that the petitioner is not named in the F.I.R. and his name came up in confessional statement of co-accused persons as well as in his own confession. But no material has come up against the petitioner to connect him with the offence of the murder of the husband of the informant. This petitioner has no dispute with the deceased and there is no



independent witness to support the version of the informant. Nothing incriminating has been recovered from the person or possession of this petitioner. Learned counsel further submits that another petitioner namely Gulphul Devi was later on arraigned as an accused in this case during investigation. The petitioner is in custody since 21.08.2021 and charge-sheet has been submitted in this case.

The learned counsel appearing on behalf of the petitioner Gulphul Devi submits that due to high handedness of the police the petitioner has been made accused in this case. She has lodged the F.I.R. and her name came up during investigation on suspicion that she was having illicit relationship with her brother-in-law and for this reason they got murdered the husband of this petitioner. No witness has named the petitioner as culprit during course of investigation. Nothing came up during investigation in the case diary as well. Charge-sheet has been submitted. The other eye witness who was examined by the police has also stated that the F.I.R. named co-accused persons have opened fire upon the deceased who died on the spot. It is also evident that the petitioner herself has named the persons with specific allegation that they fired the fatal shot and killed the husband of the petitioner. The charge-



sheet has already been filed in the case and the petitioner is in custody since 21.08.2021.

Learned APP opposes the submission made on behalf of the petitioners, submitting that the petitioner Rudal Dhadhi @ Rudal Dhari has been named by co-accused and he also recorded his statement by admitting his role in the crime. Learned APP further submits that during investigation the name of petitioner Gulphul Devi came up as an accused who got her husband killed.

Perused the record.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering the lack of substantive material to connect the petitioners with the crime as alleged and also considering their period of custody, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Lakhisarai in connection with Halsi P.S. Case No. 169 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of



the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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