

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13803 of 2022

Arising Out of PS. Case No.-259 Year-2021 Thana- PARSABAZAR District- Patna

Pushpa Devi, W/o Late Jitendra Singh Resident of Village - Khaira, P.s.-
Naubatpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 30663 of 2022

Arising Out of PS. Case No.-259 Year-2021 Thana- PARSABAZAR District- Patna

Sonu Kumar @ Sono Kumar Son Of Late Jitender Singh Resident Of Khaira ,
P.S- Naubatpur , Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 36539 of 2022

Arising Out of PS. Case No.-259 Year-2021 Thana- PARSABAZAR District- Patna

Bholi Kumar @ Amit Kumar Son Of Late Jitendra Singh R/O Village-
Khaira, P.S.- Naubatpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 13803 of 2022)
For the Petitioner/s : Mr.Deovind Kumar Singh, Advocate
Mr. Utpal Kant, Advocate
For the State : Mr. Ajay Kumar Jha, A.P.P.
(In CRIMINAL MISCELLANEOUS No. 30663 of 2022)
For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate
For the State : Mrs.Dr. Indiar Kumari, A.P.P.
For the Opposite Party/s : Mr. Binod Kumar, Advocate
(In CRIMINAL MISCELLANEOUS No. 36539 of 2022)
For the Petitioner/s : Mr. Deovind Kumar Singh, Advocate
For the State : Mr. Surendra Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 21-12-2022 Since three cases arises out of Parsa Bazar P.S. Case No. 259 of 2021 as such they are being heard together.

Heard learned counsel for the petitioners and learned APP for the State.

Let the defect (s),if any, 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 Parsa Bazar P.S. Case No. 259 of 2021 registered for the alleged offences under Sections 302, 120(B) and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

As per prosecution case, the father of the informant was shot dead. The petitioners are the step-mother and step- brothers of the informant who showed his suspicion that the petitioners along with co-accused persons killed his father. The occurrence took place in the background of dispute over the property between the family members.

It has been submitted on behalf of the petitioners that petitioners are innocent and have been falsely implicated in this case. The informant is not an eye witness and he has named the petitioners in this case merely on suspicion. Nothing incriminating has been recovered from the possession of the petitioners. Nothing substantive has come on record to show the complicity of the

petitioners in the occurrence as alleged. The two petitioners namely, Sonu Kumar and Bholi Kumar are legal sons of the deceased and the case has been lodged to grab the property of their step-brothers by the informant. The petitioners have not recorded any confessional statement and the police in connivance with the informant forcibly took their signatures on several papers and converted it in the confessional statement. The learned counsel for the petitioner Sonu Kumar submits that the alleged recovery of the fire arms from the petitioner is planted. Charge sheet has been submitted in this case and the petitioner are in custody since 13.08.2021, 25.08.2021, respectively. The petitioners have got clean antecedent.

Learned APP for the State as well as learned counsel for the informant vehemently oppose the prayer for bail of the petitioners. Learned counsel for the informant submits that the petitioners conspired and killed the father of the informant in order to grab the property.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery of incriminating material has been shown from the petitioners or at their instance with lack of substantive material against them to connect them with the alleged offences and also considering the submission of charge sheet along with period of

custody of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand)each with two sureties of the like amount each to the satisfaction of learned A.C.J.M-VIIIth, Patna in connection with Parsa Bazar P.S. Case No. 259 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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 on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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