

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40706 of 2021

Arising Out of PS. Case No.-19 Year-2021 Thana- BALIYA District- Begusarai

ALPANA DEVI @ KALPANA DEVI W/O PAPPU TANTI R/o village-
Mathurapur, Ward No. 01, P.S.- Balia, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35325 of 2021

Arising Out of PS. Case No.-19 Year-2021 Thana- BALIYA District- Begusarai

PAPPU TANTI @ PRAHLAD AJAD Son of Dinesh Tanti Resident of Village
- Mathurapur, Ward No. 01, P.S. Balia, District - Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 40706 of 2021)

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

For the Opposite Party/s : Mr. Sandip Kumar Goutam, Advocate

Mr. Ajit Kumar, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 35325 of 2021)

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

For the Opposite Party/s : Mr. Sandip Kumar Goutam, Advocate

Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 29-03-2022 Heard the parties.

Both the aforesaid applications arise out of Baliya P.S.
Case No. 19 of 2021 Registered under Sections 341, 323, 604 and
302/34 of the Indian Penal Code. Therefore, both the aforesaid
applications have been heard together and are being disposed of by
this common order.

Prosecution story in brief is that marriage of the
informant's daughter was solemnized with one Prashant Kumar.



F.I.R. named accused persons used to beat her daughter on account of opposing the sale of ancestral house and on 14.01.2021, the informant had received information that her daughter was murdered by the accused persons named in the F.I.R. by hanging her to the fan.

Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and have committed no offence. There is no allegation of overt act has been made against the petitioners though, the petitioners have been named in the F.I.R. Petitioners live separately and have no concern with the personal life of the deceased and her husband.

Learned counsel appearing on behalf of the informant vehemently opposed the prayer for grant of bail to the petitioners. He submits that it is the present petitioners who have direct nexus with the alleged murder of the daughter of the informant.

Learned A.P.P. has also opposed the prayer for grant of bail to the petitioners.

Having heard the rival submission of the parties, the allegation made in the F.I.R. as well as the material which has surfaced in course of investigation, there is no direct allegation of any overt act or assault having been committed by the present petitioners, admittedly there is dispute relating to transaction of certain money due to sale proceed of one land that apart nothing



has been alleged against the petitioners, prima facie the petitioners have made out a case to be released on bail. The court below is directed to release the petitioners above named on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Baliya P.S. Case No. 19 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(iv) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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