

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36974 of 2021**

Arising Out of PS. Case No.-12 Year-2021 Thana- KORANSARAI District- Buxar

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SANJAY KUMAR SON OF LATE SRI RAM MAHTO Resident of Village-
Sukhsena Dera Amsari, P.S.- Murar, District- Buxar.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

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Appearance :

For the Petitioner	:	Mr. Sushant Praveer, Advocate.
For the State	:	Mr. Bharat Lal, A.P.P.
For the Informant	:	Mr. Ramchandra Singh, Advocate.
		Mr. Radha Krishna, Advocate.

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 06-01-2022 The applicant/accused in Crime No.12 of 2021 registered with Police Station-Koran Sarai for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code, by this application is seeking his release on bail during the pendency of the trial.

Heard learned counsel appearing for the applicant/ accused. He drew my attention to the F.I.R. as well as the statements of independent witnesses Harendra Singh and Sumer Ram and argued that considering the nature of evidence against the applicant who happens to be the husband of the deceased Sanju Kumari, he is entitled for bail.

Learned A.P.P. opposed the application by contending that there is direct evidence against the present applicant.

I have considered the submissions so advanced and also perused



the case diary.

Report of the incident of death of Sanju Kumari-wife of the present applicant came to be lodged by her father Bhagwan Mahto on 04.02.2021. According to the prosecution, on 03.02.2021, the applicant had committed murder of his wife Sanju Kumari and made show of road traffic accident. The first informant averred that the present applicant had informed him that Sanju Kumari had fallen from the motorcycle in front of the Brilliant School. The first informant further averred that he inspected the spot and found lot of blood sprinkled at the spot. Similar are the statements of paternal relatives namely Dhanpati Mahto and Abhishek Kumar. However, as against this independent witnesses Harendra Singh and Sumer Ram are stating that the applicant was taking his wife Sanju Kumari on the motorcycle for her medical treatment to town Naya Bhojpur.

Considering this nature of evidence against the applicant and fact that the investigation of the crime in question is over, his further pretrial detention is not warranted. Therefore, the following orders:

(i). The application is allowed.

(ii). The applicant/accused in Crime No.12 of 2021 registered with Police Station-Koran Sarai for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code, be released on bail on executing P.R. bond of Rs.10000/-(Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:



- (I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (II). The applicant should cooperate the trial in expeditious disposal of the trial against him.
- (III). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

P.S./-

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