

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43423 of 2021

Arising Out of PS. Case No.-57 Year-2011 Thana- PAROO District- Muzaffarpur

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1. PARMILA DEVI W/o Bijay Thakur R/o village- Paroo Chaudhari, P.S.- Paroo, District- Muzaffarpur
 2. Bijay Thakur S/o Tirveni Thakur R/o village- Paroo Chaudhari, P.S.- Paroo, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Jyotsna Rani Mishra, Advocate

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 31-03-2022 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek regular bail in connection with Paroo P.S. Case No. 57 of 2011 for the offence registered under Sections 302/34 and 120(B) of the Indian Penal Code.

The case of the prosecution in brief is that the petitioners along with other co-accused persons had visited the house of the informant on 24.03.2011 at about 1:00 p.m. and had enquired about the whereabouts of their daughter, who had eloped with a boy one day after the Holi festival whereafter they had threatened the informant and his son of dire consequences. It is further alleged that on the same day evening the accused persons including the petitioners had arrived at the house of the



informant and had taken away his son, whereafter the dead body of the son of the informant was found on the next day morning in the mango orchard. It is alleged that the accused persons had killed the son of the informant by strangulating him.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case, are having a clean antecedent and they are languishing in custody since 14.12.2020. The learned counsel for the petitioners has further submitted that there is no eye witness to the alleged occurrence and merely on suspicion the petitioners have been implicated in the present case. It is further submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail vide orders dated 24.07.2017 and 02.02.2018 passed in Criminal Misc. No. 27722 of 2017 and Criminal Misc. No. 63212 of 2017, by coordinate Benches of this Court.

Per contra, Ms. Anita Kumari Singh, the learned A.P.P. for the State has though vehemently opposed the prayer for bail but upon perusal of the case diary it has not been shown that there is any eye witness to the alleged occurrence.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel



for the petitioners and taking into account the materials available on record as also considering the parity of the case of the petitioners with that of the co-accused persons who have already been granted anticipatory bail by coordinate Benches of this Court apart from the fact that there is minuscule evidence in the case diary so as to connect the petitioners with the alleged crime and moreover there is no eye witness to the alleged occurrence, charge sheet has already been filed and the investigation is complete, I deem it fit and proper to direct for release of the petitioners herein on regular bail.

Accordingly, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III (West), Muzaffarpur in connection with Paroo P.S. Case No. 57 of 2011.

(Mohit Kumar Shah, J)

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