

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44863 of 2021

Arising Out of PS. Case No.-82 Year-2021 Thana- BARHARA KOTHI District- Purnia

1. RAJIV KUMAR Son of Ghuran Yadav Resident of Village - Shishwa, P.S.- Barhara (Raghuvansh Nagar), Distt.- Purnia.
2. Sanjiv Kumar Son of Ghuran Yadav Resident of Village - Shishwa, P.S.- Barhara (Raghuvansh Nagar), Distt.- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Narain, Sr. Adv.

Mr. Ashok Kumar, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh no.1, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 25-02-2022 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code, section 27 of the Arms Act and sections 3 and 4 of Prevention of Witch (Daain) Practices Act.

As per the prosecution case, while the two petitioners caught hold of the wife of the informant, it is stated that co-accused Ghuran Yadav shot her in the head as a result of which she died.

It is submitted by learned senior counsel appearing for the petitioners that the petitioners have been falsely implicated in the case. Statement of the son, daughter and



daughter-in-law of the informant, who as per the F.I.R. were present at the place of occurrence, are at variance with the narration in the F.I.R. and they do not support the prosecution case. There are no eye witness to the occurrence. The manner of occurrence is other than what has been narrated in the F.I.R. The petitioners are in custody since 16.3.2021 and have no criminal antecedent.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the allegation against the two petitioners in the F.I.R. of having caught hold of the wife of the informant on which the co-accused shot her dead, the Court is not inclined to enlarge the petitioners on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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