

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45089 of 2021

Arising Out of PS. Case No.-16 Year-2021 Thana- PAKRIDAYAL District- East Champaran

1. Rubi Devi Wife of Manoj Sah, Daughter of Rajaram Sah Resident of Village- Parsa, P.S.- Pakaridayal, District- East Champaran.
2. Rajaram Sah Son of Late Bijli Sah Resident of Village- Parsa, P.S.- Pakaridayal, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Renu Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 04-04-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in a case registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

According to prosecution case, the informant Chhathu Sah has filed a petition before S.H.O. Pakakridayal police station stating therein that his elder brother Manoj Sah started living in his Sasural with his wife and three daughters and one



son and he was doing work at Mumbai as labourer. on the eve of Dashahra festival he came at his house and he used to go and live at her in laws village because he has already sold homestead land 4-1/2 dhurs and settled in her in-laws village. On 18.01.2021 the informant received information from his maternal aunt that informant's elder brother Manoj Sah has died in village Parsa. On this, the informant and others went there and came to know from the villagers that dead body of his brother Manoj Sah is lying in bush at the distance of about 01 kilometer. The informant is confident that wife, father-in-law and mother-in-law have committed murder of his brother by hanging with her throat and threw his dead body out side of the village in a bush.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case only on the basis of suspicion. He further submits that in fact the petitioner no.1 is the wife of the deceased and petitioner no.2 is the father-in-law of the deceased. He further submits that there is no eye witness of the alleged occurrence and during investigation nothing has come against the petitioners. The petitioners are in custody since 20.01.2021.

The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail and referred the para 7, 8, 9 and 32 of the case diary.

Considering the aforesaid facts and circumstances, let the petitioners, above named, 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 the learned Court below where the case is pending in connection with Pakaridayal P.S. Case No. 16 of 2021, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

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

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent,



the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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