

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39446 of 2022

Arising Out of PS. Case No.-216 Year-2021 Thana- KUMAR KHAND District- Madhepura

1. Dilendra Sardar @ Dilen Sardar Son Of Late Dukhan Sardar R/O Village- Champa Nagar, Ward No.-06, P.S.- Jadiya, District- Supaul
2. Asha Devi Wife Of Dilendra Sardar @ Dilen Sardar R/O Village- Champa Nagar, Ward No.-06, P.S.- Jadiya, District- Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 06-12-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek regular bail in connection with Kumarkhand P.S. Case No. 216 of 2021 registered for the offences punishable under Sections 302 and 201 of the Indian Penal Code.

As per the prosecution, the informant's sister's half burnt dead body was found at the alleged place. Further it is alleged that these petitioners have killed the victim.

The main submissions advanced by learned counsel

Mr.Uday Chand Prasad, appearing for the petitioners are that both the petitioners are uncle and aunt of the lady with whom the main accused Hari Nandan Sardar has solemnized his second marriage as per the allegation made in the FIR and both the petitioners live in Punjab State for their livelihood and they had come at their village just 15 days before the alleged occurrence. Further submission is that both the petitioners were never seen at the house of main accused Hari Nandan Sardar nor they were lastly seen with the deceased and both have been languishing in jail since 09.01.2022.

Learned APP Mr.Jitendra Kumar Singh, appearing for the State has opposed the prayer for bail.

Having considered the above submissions and mainly the facts that as per the FIR and the statements of the material witnesses recorded during the course of investigation the main allegation appears against the co-accused Hari Nandan Sardar and both the petitioners are stated to be uncle and aunt of the lady with whom the said co-accused has solemnized his second marriage and there is no direct evidence against both the petitioners and also taking into account the custody period of the petitioners, in the opinion of this Court the petitioners deserve to a lenient approach of this Court, let the petitioners be enlarged

on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Kumarkhand P.S. Case No. 216 of 2021.

(Shailendra Singh, J.)

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