

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50142 of 2021

Arising Out of PS. Case No.-7 Year-2021 Thana- BATH District- Bhagalpur

-
1. Mithlesh Sah S/O Jhako Sah R/O Village-Uchagao, P.S-Bath, District-Bhagalpur.
 2. Gaurav Kumar S/O Jhako Sah R/O Village-Uchagao, P.S-Bath, District-Bhagalpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-01-2022 Heard learned counsel for the petitioners and learned
APP for the State through video conferencing.

The petitioners seek bail in connection with Bath P. S.
Case No.07 of 2021, instituted for the offences under Section
302/ 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that
the petitioners are in custody since 17.01.2021, they are persons
with clean antecedent, charge-sheet has been submitted in the
case and petitioner no.1 is Bhainsur of the deceased and
petitioner no.2 is Dewar of the deceased.

The learned counsel for the petitioners submits that
the informant in the F.I.R. alleges that his daughter Baby



Kumari was in love with Raju Kumar and accordingly, they performed the marriage and after sometimes, Baby Kumari learnt that Raju Kumar was married from before as a result of which, quarrel stated between them. It is further alleged that the informant was informed by her daughter that on 12.01.2021, she was going to her matrimonial home with her husband, further that on 14.01.2021 his daughter informed that she along with her husband have alighted at Sultanganj Railway Station where the petitioners and her father in-law are coming to receive her.

It is next alleged that thereafter the informant tried to contact his daughter on 15.01.2021, but could not contact her as her phone was switched off. It is further alleged that at about 7.00 P.M. on 15.01.2021, a photograph was shown by Nath Nagar Police Station to the son of the informant and he identified the photograph as that of his sister and accordingly, the informant was informed, who went to the Police Station on 16.01.2021 and identified the dead body as that of his daughter.

The learned counsel for the petitioner submits that admittedly, from perusal of the F.I.R. it would manifest that the daughter of the informant had performed love marriage with Raju Kumar. He further submits that it was Raju Kumar, who duped the daughter of the informant, the petitioners being



brothers of Raju Kumar, were rightly not supporting the daughter of the informant for coming to her matrimonial home on the ground that they did not want the life of the first wife of Raju Kumar to be spoiled, as such, they were rightly not encouraging the daughter of the informant. The learned counsel further submits that even the daughter of the informant without verifying got duped by Raju Kumar. It is further submitted that in order to falsely implicate the petitioners, the informant in the F.I.R. has alleged that when she alighted at Sultanganj, she informed that her father-in-law and petitioners were coming to receive her, although, the fact is that they were not even aware that the daughter of the informant had come to Sultanganj along with Raju Kumar. The learned counsel further submits that Raju Kumar is in custody since 14.09.2021.

The learned A.P.P. for the State opposes the bail application.

Considering the fact that the petitioners are in custody since 17.01.2021 and are persons with clean antecedent and charge-sheet has been submitted in the case and the husband of the deceased is in custody and taking into consideration the submissions made by the learned counsel for the petitioners, the petitioners, above-named, are directed to be released on bail on



their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIII, Bhagalpur in connection with Bath P. S. Case No.07 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

