

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52659 of 2021

Arising Out of PS. Case No.-81 Year-2021 Thana- KHODAWANDPUR District- Begusarai

Ganga Sah @ Ganga Ram Kumar Son Of Matru Sah R/O Village- Parra, P.S.-
Khodawandpur (CHHAURAH O.P.), Dist.- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bipin Kumar, Advocate
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP
For the Informant	:	Mr. Anil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 10-05-2022 Heard learned counsel for the petitioner, State as
well as the Informant.

Let the defect(s), if any, be removed within four
weeks.

The petitioner is in judicial custody in connection
with Khodawandpur (Chhaurahi O.P.) P.S. Case No. 81 of 2021
registered under Sections 341, 323, 302 and 120B/34 of the
Indian Penal Code.

The allegation against the petitioner is that he was
having illicit relationship with the deceased's daughter-in-law,
Khushboo Devi which was resented by Chunchun Devi
(deceased). The allegation is that to remove that obstacle, they
jointly killed Chunchun Devi.



On 04.04.2021, this Court had called for the case diary related to the present case which is now available.

Learned counsel for the petitioner submits that only because of the suspicion that he was having illicit relationship with Khushboo Devi, he has been dragged in this case. He further submits that even the witnesses in the case diary had parroted the same version and it is not the case of the prosecution that any one has seen this petitioner either going towards the house of the deceased lady or coming out of it. He lastly submits that the petitioner is in judicial custody since 17.04.2021 (as stated in paragraph-11 of the bail application).

Mr. Bharat Bhushan, learned APP represent the State and submits that the different paragraphs of the case diary states about the involvement of this petitioner. However, save and except the claim that the petitioner was having illicit relationship with Khushboo Devi, the occurrence has not been seen by anyone.

Learned counsel for the Informant although opposes the prayer for bail and submits that the police during the investigation has supported the prosecution theory that this petitioner was having illicit relationship with Khushbolo Devi, and they have jointly eliminated the lady, he too concede



the52659 fact that so far as this petitioner is concerned, it is not the prosecution theory that they have seen him at the place of occurrence.

Considering the aforesaid facts including the fact that no one has seen the petitioner at the place of occurrence, charge sheet has been submitted and he is in jail since 17.04.2021, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Manjhaul, Begusarai in connection with Khodawandpur (Chhaurai O.P.) P.S. Case No. 81 of 2021, subject to the following conditions :-

(i) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(ii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

It is made clear that anything recorded in this bail



application shall have no bearing as and when the Trial of this case is taken up, which will be decided on its own merit.

The bail application is allowed with the aforesaid observations.

(Rajiv Roy, J)

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