

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43099 of 2022

Arising Out of PS. Case No.-104 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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Mintu Domin @ Mintu Devi Wife of Bhagat Dom R/O Village- Kusma
Basdiha, P.S.- Simara, District- Aurangabad (Bihar), At Present Residents Of
Mohalla- Gandhi Maidan Ward No.-29, P.S.- Town, District- Aurangabad
(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajnish Ranjan, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 12-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Aurangabad Town P.S. Case No. 104 of 2022 registered for the
offence under Section 302/34 of the I.P.C.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.02.2022.

The allegation against the petitioner is to commit the
murder of husband of informant, alongwith other co-accused
persons due to neighbourhood dispute and differences.



Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye witness of the occurrence, where entire allegation is based upon suspicion, as husband of informant went alongwith petitioner in search of a job. It is also submitted that nothing incriminating surfaced/recovered during the course of investigation, which may connect petitioner with allegation, as raised by informant through F.I.R. It is also submitted that there is no sign of external injuries, which may suggest any physical assault soon before the occurrence, whereas, the cause of death is **“asphyxia as a result of drawing in water”**, suggesting that it was nothing but accidental death of the husband of informant. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as informant is not the eye witness of the occurrence, where save and except suspicion, nothing surfaced during the course of investigation to connect petitioner, *prima facie*, with present occurrence coupled with the fact that charge-sheet has



been submitted, let the petitioner, above named, is directed to be released on bail in connection with Aurangabad Town P.S. Case No. 104 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad (Bihar)/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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