

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54489 of 2021

Arising Out of PS. Case No.-44 Year-2021 Thana- SULTANGANJ District- Bhagalpur

1. Nutan Devi, W/o Jalo Yadav @ Parshuram Yadav @ Jalo, Resident of Village- Mirhatti, P.S.- Sultanganj, Distt.- Bhagalpur.
2. Jalo Yadav @ Parshuram Yadav @ Jalo, Son of Bidya Bhusan Yadav, Resident of Village- Mirhatti, P.S.- Sultanganj, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
		Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. Satuendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 30-08-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Krishna Prasad Singh, learned senior counsel for the petitioner sand learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Sultanganj P.S. Case No. 44 of 2021 registered for the offences punishable under Section 302 of the Indian Penal Code and Section 27 of the Arms Act. Later on Section 120B of the Indian Penal Code has been added.

The prosecution story is based on a written report alleging therein that the police got an information that a dead body of a person having gun shot injury is lying near the house



of Triveni Jha. The police enquired, but none of the persons identified the dead body and thereafter after preparing the inquest report, the F.I.R. has been instituted against the unknown persons.

Learned senior counsel appearing on behalf of the petitioner submits that later on the dead body was identified and the statement of the parents of the deceased was recorded by the police, who have stated that just before the occurrence the deceased had gone to his Sasural and thereafter he did not return. They have suspected that the daughter of the petitioner had illicit relation with the brother-in-law (Sarhu) of the deceased. Learned senior counsel also submits that save and except the suspicion, there is no cogent material showing the complicity of the petitioner in the alleged crime and moreover the petitioners being the mother-in-law and father-in-law of the deceased are in custody since 28.02.2021.

On the other hand, learned APP opposes the bail application and submits that specific allegation has been levelled against both the petitioners and their involvement cannot be ruled out.

Considering the fact that the entire case is based on suspicion and no cogent material has come during the course of



investigation and the case is based on circumstantial evidence, though the petitioners are in custody since 28.02.2021, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Bhagalpur in connection with Sultanganj P.S. Case No. 44 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain physically present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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