

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59694 of 2021

Arising Out of PS. Case No.-211 Year-2021 Thana- BARHARA KOTHI District- Purnia

1. SABITA DEVI Wife of Late Sridev Rishidev Resident of Village- Bhatsara, P.S.- Barhara, District- Purnea.
2. Brajesh Yadav @ Brajesh Kumar Yadav Son of Anarudh Yadav @ Anmol Yadav Resident of Village- Bhatsara, P.S.- Barhara, District- Purnea.
3. Raja @ Raja Kumar Son of Ganga Yadav Resident of Village- Bhatsara, P.S.- Barhara, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 05-07-2022 Heard learned counsel appearing on behalf of the
petitioners 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.

Learned counsel appearing on behalf of the petitioner
filed Supplementary Affidavit by today itself, which is kept on
record.

The petitioners seek bail in connection with Barhara
P.S. Case No. 211 of 2021 registered for the offence under
Sections 302, 120(B) and 34 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R.,



where, petitioner no.1 is in custody since 10.07.2021 and petitioner no.2 and petitioner no.3 are in custody since 04.08.2021.

The allegation against the petitioners is to commit murder of the brother of the informant. It has further been alleged that petitioner no.1, who is wife of the deceased having extra marital affairs with petitioner no.2.

Learned counsel appearing on behalf of the petitioners submitted that informant is not the eyewitness of the occurrence and except mere suspicion, nothing surfaced even during course of investigation of this case, which may incriminate the petitioners. It has further been submitted that dead-body recovered from open place i.e. mango orchard, which is not connected with either of the petitioners. It has also been submitted that no Call Detail Report (CDR) in the terms of allegation was obtained during course of investigation. It has further been submitted that petitioner no.2 is involved in one criminal case, in which, he is on bail.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that the informant is not the eyewitness of the occurrence.



Considering the facts and circumstances as mentioned above, as informant is not the eyewitness of occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioners, above named, are directed to be released on bail in connection with Barhara P.S. Case No. 211 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned J.M., 1st Class, Purnea, subject to the following conditions:

“(i) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioners duly supported by the documents.

(ii) That one of the bailors shall be Anarudh Yadav, who is the father of the petitioner no.2 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

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