

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64068 of 2021

Arising Out of PS. Case No.-183 Year-2020 Thana- KHAGAUL District- Patna

1. Pankaj Kumar Son of Ram Pravesh Paswan Resident of Village- Mukundpur Bhath, P.S.- Jandaha, District- Vaishali.
2. Archana Kumari W/o Late Santosh Paswan, D/o Devendra Paswan Resident of Village- Sultanpur Ghatoh, Ward No.02, P.S.- Dalsinghsarai, District- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kamla Kant Pandey
		Mrs.Deepti Pandey
For the Opposite Party/s :		Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 22-02-2022 Heard learned counsel for the parties.

Petitioners pray for bail in Khagaul P.S. Case No. 183 of 2020, registered for the offence under Sections 364, 302, 201, 120(B), 34 of the Indian Penal Code.

As per the prosecution case, petitioner no. 1 along with brother of informant went to purchase charger of the mobile but they did not return and when informant called his brother on mobile, the same was received by petitioner no. 1. It is further alleged that petitioner no. 1 confessed that he along with co-accused Bablu Kumar and Ranjan Paswan committed the murder of brother of informant by throwing him in the river *Ganga* from *Gandhi Setu*. Motive of the alleged occurrence is said to have been illicit relation of petitioner no. 1 with



petitioner no. 2, who is wife of the deceased.

It is submitted on behalf of petitioners that informant is not eye-witness to the alleged occurrence and petitioners have been made accused only on suspicion. So far as petitioner no. 2 is concerned, she is wife of the deceased (informant's brother) and in the confessional statement of petitioner no. 1, she (petitioner no. 2) has not been alleged to have played any role in the murder of the deceased. Petitioners have got clean antecedent and they are in custody since 07.10.2020.

Learned A.P.P. for the State has opposed the bail petition and submitted that petitioners are named in the F.I.R. and their complicity has come during course of the investigation.

Considering the nature of accusation and gravity of the offence, the prayer for bail of petitioner no. 1 namely Pankaj Kumar is refused.

So far as prayer for bail of petitioner no. 2 namely Archana Kumari is concerned, since there is no specific overt act has been alleged against her and in the confessional statement of Pankaj Kumar (petitioner no. 1), it has not come that she (petitioner no. 2) has played any role in commission of murder of deceased, her prayer for bail is allowed. Let



petitioner no. 2 namely Archana Kumari 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 learned
A.C.J.M.-I, Danapur, District – Patna in connection with
Khagaul P.S. Case No. 183 of 2020.

The bail petition stands disposed of.

(Prabhat Kumar Singh, J)

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