

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64430 of 2021

Arising Out of PS. Case No.-147 Year-2020 Thana- KIUL District- Lakhisarai

1. Asho Devi aged about 45 years (F), W/o Hariom Saw, Resident of Village - Barate, P.S.- Kiul, Distt.- Lakhisarai.
2. Hariom Saw aged about 55 years (M), Son of Gulabi Saw, Resident of Village - Barate, P.S.- Kiul, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Advocate
For the State	:	Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 22-08-2022 Heard Mr. Rajesh Kumar, learned counsel appearing on behalf of the petitioners and Mr. Ajit Kumar, learned APP for the State.

Petitioners, who are in custody since 26.07.2021, seek regular bail in connection with Kiul P.S. Case No. 147 of 2020 registered for offences punishable under Sections 302/34 of the Indian Penal Code.

Prosecution story in brief is that the petitioner no. 1, who is mother-in-law and petitioner no. 2, who is father-in-law of the deceased (Dharmendra Sah) had allegedly conspired and committed murder of their son-in-law along with their daughter, who was married with Dhearmendra Sah (deceased).



Learned counsel appearing on behalf of the petitioners submits that the wife of the deceased, who is also similarly situated has already been released on bail by a co-ordinate Bench of this Court vide order dated 31.08.2021 passed in Criminal Miscellaneous No. 34146 of 2021. He further submits that petitioners had no concern with the matrimonial relationship of their daughter and son-in-law and they have falsely been implicated in the present case. There is no eye-witness to the alleged incidence of murder. He further submits that merely on suspicion, petitioners have been made accused in the present case and they are in custody since 26.07.2021. On these grounds, petitioner seeks to be released on bail.

Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioners.

Considering the facts and circumstances of the case, the allegation made in the FIR against the present petitioners, who are mother-in-law and father-in-law of the deceased, who happens to be the husband of their daughter namely, Pinky @ Synky Devi and the said Pinky @ Synky Devi against whom there is also similar allegation has already been released on bail by a co-ordinate Bench of this Court vide order dated 31.08.2021 passed in Criminal Miscellaneous No. 34146 of



2021. Petitioners have been made accused merely on the basis of suspicion. Law is well settled in this regard. Prima facie I am of the opinion that petitioners have made out a case to be released on bail.

The Court below is directed to release the petitioners, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Kiul P.S. Case No. 147 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(iv) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bonds.

(v) The Court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph



no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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