

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70156 of 2021

Arising Out of PS. Case No.-221 Year-2021 Thana- GOVINDGANJ District- East
Champaran

-
1. Krishna Pasi @ Krishna Mahto Son of Dhesu Pasi Resident of Village -
Bhaiya Tola, Mamarkha, P.S.- Malahi, Distt.- East Champaran.
 2. Jawahir Sharma Son of Ram Sagar Sharma Resident of Village - Bhaiya
Tola, Mamarkha, P.S.- Malahi, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 10-10-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Govindganj (Mahila) P.S. Case No. 221 of 2021
registered for the alleged offences under Sections 302, 201 and
34 of the Indian Penal Code.

As per prosecution case, the son of the informant was
murdered due to his love-affair with the daughter of one of the
co-accused persons and the informant named the petitioners
along with other co-accused persons for being involved in the



murder of his son.

The learned counsels for the petitioners submit that the petitioners have been falsely implicated in this case merely on suspicion. It is apparent from the FIR that the informant is not an eye witness and he has raised the suspicion on the ground that few days prior to the occurrence, the petitioner no.1 stated something to the other son of the informant regarding the deceased in a warning tone. There is no eye witness who might have seen the occurrence or the deceased with the petitioners. There is no direct or circumstantial evidence on record to connect the petitioners with the alleged occurrence. Except for the confessional statement of co-accused, there is nothing against the petitioners. The petitioners are in custody since 23.07.2021 and charge-sheet has been submitted. The petitioners are having clean antecedent.

Learned APP opposes the prayer for bail submitting that the petitioners along with co-accused persons murdered the son of the informant and post mortem report also shows death due to strangulation. Co-accused Nandini Kumari has confessed and named the petitioners who were also involved in the murder of the son of the informant.

Having regard to the submissions made on behalf



of the parties and further considering the lack of cogent material to connect the petitioners with the alleged offence and further considering their period of custody and the submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st Class, Motihari in connection with Govindganj (Mahila) P.S. Case No. 221 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Rajnish/-

U		T	
---	--	---	--

