

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.251 of 2022

Arising Out of PS. Case No.-746 Year-2021 Thana- KHAGARIA District- Khagaria

1. Sushila Devi W/o Nand Kumar Singh @ Nand Kishore Singh R/o village- Khargi Tirasi, P.S.- Gangour, District- Khagaria
2. Sanjay Kumar S/o Arun Sada R/o village- Fulwariya, P.S.- Allouli, District- Khagaria, at present Village- Khargi Tirasi, P.S.- Gangour, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Mrityunjay Kumar
For the Opposite Party/s :	Mr. Ajit Kumar, A.P.P. 23
For the Informant :	Mr. Bharat Bhushan, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-05-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Khagaria
(Gangour) P.S. Case No. 746 of 2021 registered under Section
302 and 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that
the petitioners are in custody since 16.09.2021, are persons with
clean antecedent, charge-sheet has been submitted in the case
and the informant alleges that he was going to the house of the
M.L.A. for giving injection and his minor son aged about two
years was following him, it is next alleged that behind him were
petitioners, further he entered the house of the M.L.A. and the
accused persons lifted his son, further people disclosed that his



son was with the accused persons and was crying, further the informant went to the house of the accused then Sushila Devi said that she will find his son by tomorrow and the next day the dead body of his son was found in a ditch near the house of M.L.A. with hydrocele crushed.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, from perusal of the allegation as alleged in the F.I.R. it would manifest that the informant alleges that while he was going to the house of M.L.A. his son was following him and behind him were petitioners, it is, thus, submitted that it absolutely does not stand to reason that if the informant had seen the petitioners behind his son then they would never have committed the occurrence as the informant had seen them, it is also submitted that from perusal of the allegation as alleged in the F.I.R. it would manifest that the entire allegation hinges around suspicion and the F.I.R. does not even disclose that who amongst the villagers informed the informant that they have seen the deceased along with the petitioners, based on which he went to the house of Sushila Devi. It is, thus, submitted that there is no eye witness to the occurrence, the entire allegation hinges around suspicion, no doubt an unfortunate occurrence



has taken place but then based on suspicion, the petitioners can not remain behind bar.

The learned A.P.P. for the State and learned counsel for the informant oppose the prayer for bail of the petitioners but are not able to meet the submissions of the learned counsel for the petitioners that there is no eye witness to the occurrence, the allegation hinges around suspicion and the F.I.R. does not disclose who informed the informant that the deceased was with the petitioners.

Considering the fact that the petitioners are in custody since 16.09.2021, are persons with clean antecedent and charge-sheet has been submitted in the case and taking into consideration the submissions made by the learned counsel for the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Khagaria (Gangour) P.S. Case No. 746 of 2021.

(Satyavrat Verma, J)

ved/-

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