

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22633 of 2023

Arising Out of PS. Case No.-10 Year-2013 Thana- BIRUPUR District- Lakhisarai

1. Manoj Singh @ Manoj Kumar @ Manoj Kumar Singh S/O Shravan Kumar Singh @ Shravan Singh Resident Of Village- Babhangama, P.S.- Lakhisarai, District- Lakhisarai.
2. Rita Devi W/O Manoj Singh @ Manoj Kumar @ Manoj Kumar Singh Resident Of Village- Babhangama, P.S.- Lakhisarai, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-06-2023 Heard Mr. Md. Fazle Karim, learned counsel appearing on behalf of the petitioners and Mr. Akshay Lal Pandit, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Birupur P.S. Case No. 10 of 2013 registered for the offence punishable under Sections 302, 304(B), 201 and 34 of the Indian Penal Code. The cognizance taken under Sections 304(B), 498-A, 201 and 34 of the Indian Penal Code.

3. Prosecution story, in brief, is that the sister of the informant was married Gopal Singh about one year ago and, subsequently, the family members of the husband of the sister of the informant started demanding dowry and motorcycle and for



non-fulfillment of the same, the accused persons named in the FIR had committed murder of the sister of the informant and dead body of the deceased was disposed of.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are nowhere connected to the said incidence in which sister of the informant was murdered rather the petitioner no. 1 is brother-in-law and petitioner no. 2 is sister of the husband of the deceased and they are residing separately in a different village after their performance of marriage. Petitioners are innocent and has committed no offence as alleged in the FIR. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made against the petitioners in the FIR, petitioners are brother-in-law and sister of the husband of the deceased girl and they are residing in a different village, I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks



from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned J.M- 1st Class, Lakhisarai in connection with Birupur P.S. Case No. 10 of 2013, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Niraj/Nilmani

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