

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27460 of 2023

Arising Out of PS. Case No.-190 Year-2022 Thana- PURNAHYA District- Sheohar

1. Kajal Kumari D/O Dinesh Rai R/O Village- Ashopur, P.S.- Piprahi, District-Sheohar
2. Umesh Rai Son of Munaki Rai R/O Village- Ashopur, P.S.- Piprahi, District-Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Devendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Umesh Lal Verma, Advocate
For the State	:	Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 03-08-2023 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

2. The petitioners seek bail in connection with
Purnahiya P.S. Case No. 190 of 2022 registered for the offence
under Sections 302, 201/34 of the Indian Penal Code.

3. The accused/petitioners are not named in the
F.I.R. and are in custody since 05.12.2022.

4. The present F.I.R. instituted by local *Chaukidar*
No. 7/7, while he recovered a dead body hanging with *Peepal*
tree on 30.11.2022 at about 11.50 PM, where he suspected that
after committing murder somewhere the dead body was hanged
with alleged *Peepal* tree.



5. Learned counsel appearing on behalf of the petitioners submitted that the name of petitioners surfaced out of self confession/confession of petitioner no. 1, where nothing incriminating surfaced/recovered during the course of investigation, as to connect petitioners, *prima facie*, with the present occurrence of murder. It is submitted that petitioner no. 1 came in contact with deceased much earlier to this occurrence and out of said acquaintance, she called deceased on some occasions and having only such evidence, petitioners cannot be implicated with the present case as same is nothing more than a suspicion. It is also submitted that similarly situated co-accused Dilip Kumar has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 13139 of 2023 vide order dated 26.06.2023. While concluding the argument, it has been submitted that petitioner no. 1 is a lady of clean antecedent and petitioner no. 2 is also a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer of bail fairly conceded the fact that petitioners are not named in F.I.R.

7. Considering the facts and circumstances as



mentioned above, and by taking note of the fact as save and except mobile conversations on some occasions, as appears from call details report and subsequent suspicions out of self-confession of petitioner no. 1, nothing incriminating appears to connect both petitioners, *prima facie*, with the present occurrence of murder coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 05.12.2022, accordingly, both above named petitioners are directed to be released on bail in connection with Purnahiya P.S. Case No. 190 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Sheohar/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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