

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28880 of 2022

Arising Out of PS. Case No.-38 Year-2016 Thana- PARASBIGHA District- Jehanabad

1. NAGENDRA MAHTO@NAGENDER KUMAR SON OF LATE BHUNESHWAR SINGH R/O- VILL- ABGILLA, P.S.- PARASBIGHA, DIST- JEHANABAD
2. RITU KUMARI @ RITU DEVI WIFE OF MANOJ KUMAR R/O- VILL- ABGILLA, P.S.- PARASBIGHA, DIST- JEHANABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-02-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in a case registered for the offences punishable under Sections 302 and 120(B) of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners are in custody since 09.09.2021 and are persons with clean antecedent and the informant alleges that his son (deceased) was killed by FIR named accused persons including the petitioners and his dead body was found hanging on a shisham tree by means of a 'gamchha'.

Learned counsel for the petitioners submits that



petitioners have been falsely implicated in the present case, it is next submitted that petitioner no. 1 is father-in-law of the deceased and petitioner no. 2 is wife of the deceased, it is also submitted that from perusal of the allegation, it would manifest that the informant alleges that his son on 29.03.2016 had gone to his matrimonial home where he stayed and came back on 30.03.2016 and thereafter again he was called by the accused persons and he again went to his matrimonial home where his wife was staying with her parents and thereafter it is alleged that the accused persons killed him. The learned counsel next submits that informant is not an eye-witness to the occurrence and it absolutely does not stand to reason that as to why the petitioner no.2 would have killed her own husband and thus would have become a widow, it is also submitted that the dead body was not found in the house rather was found hanging on a tree, it is next submitted that allegations are general and omnibus in nature and no reason or motive has been assigned for the accused to commit murder, it is further submitted that charges have been framed and the petitioners will co-operate in the trial.

Learned A.P.P. for the State opposes the prayer for bail of the petitioners.



Considering the submissions made by the learned counsel for the petitioners, the petitioners above named 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 Parasbigha P.S. Case No. 38 of 2016.

In the event, if the learned trial court comes to a conclusion that petitioners after their release are trying to delay the trial in any manner. The learned trial court shall cancel their bail bonds after recording reasons and shall take all coercive steps to ensure that petitioners are behind bars.

(Satyavrat Verma, J)

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