

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30662 of 2023

Arising Out of PS. Case No.-88 Year-2022 Thana- VALMIKINAGAR District- West
Champaran

-
1. Nandu Basfor Son Of Mahantha Basfor Resident Of Vill- Shivanaha Tola Jharharwa, Ps- Valmikinagar, Distt- West Champaran
 2. Fullbadan Devi Wife Of Mahanth Basfor Resident Of Vill- Shivanaha Tola Jharharwa, Ps- Valmikinagar, Distt- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-07-2023 Heard learned counsel appearing on behalf of the
petitioners and learned APP appearing on behalf of the State.

The petitioners seeks bail in connection with
Valmikinagar P.S. Case No.88 of 2022 registered for the offence
under Sections 363, 302, 201 and 34 of the Indian Penal Code.

The accused/petitioners are not named in the F.I.R.,
where petitioner no. 1 is in custody since 06.09.2022 and
petitioner no. 2 is in custody since 12.09.2022.

As per narration of the F.I.R. the minor nephew of
informant was missing since 04.09.2022, where his dead body
was recovered on 05.09.2022.

Learned counsel appearing on behalf of the petitioners



submitted that the name of petitioners surfaced during the course of investigation purely on the basis of suspicion as both petitioners being son and mother were found to visit the place i.e., sugarcane field from where alleged dead body of minor nephew of the informant was recovered by the police. It is also submitted that confessional statement of petitioner no. 1, namely Nandu Basfor, was obtained after recovery of the dead body of minor nephew of the informant and same is apparent from the para no. 9 of the case diary. It is further submitted that doctor found the cause of death as “falling from the height” and as such the allegation is only out of suspicion arises due to local disputes and differences. It is also submitted that informant is not the eye-witness of the occurrence and entire implication is based upon suspicion. While concluding the argument, it is submitted that petitioner no. 1 found involved in one more criminal case, whereas petitioner no. 2 is a woman of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned



above and by taking note of the fact as dead body of the minor nephew of the informant not appears to be recovered, in furtherance, of the confessional statement of petitioner no.1, where petitioner no.2 implicated only being mother of petitioner no.1 coupled with the fact that charge-sheet has already submitted, where petitioner no. 1 is in custody since 06.09.2022 and petitioner no. 2 is in custody since 12.09.2022, accordingly both, above named, petitioners are directed to be released on bail in connection with Valmikinagar P.S. Case No.88 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Bagaha, West Champaran/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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

