

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35283 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- MURLIGANJ District- Madhepura

Sunita Devi wife of Raghu Yadav Village- Haripur Kala Ps- Murliganj Dist-
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the
office be removed within a period of four weeks.

03. In the present case, the petitioner seeks bail in
connection with Murliganj P.S. Case No. 04 of 2023 registered
on 04.01.2023 for the alleged offences under Sections
302/120(B)/34 of the Indian Penal Code and Section 27 of the
Arms Act.

04. As per prosecution case, the petitioner along with
22-23 co-accused persons came to the house of the informant
and shot dead his father.

05. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. No occurrence as alleged has ever taken place. From the bare reading of the FIR, it is apparent that the petitioner and others have been falsely implicated. The inquest report shows only one injury caused by firearm in the head of the informant's father and the informant has implicated altogether 23 persons for the said occurrence. Admittedly, there is enmity between the informant and petitioner's side and for this reason, a large number of persons have been made accused in this case. The story of the informant as described in the FIR is that he came to the place of occurrence after hearing the sound of firing and identified all the accused persons in the electric light, which shows that the informant is not an eye witness in this case and his story of identifying the accused persons in the light of electric bulb, is not believable. Moreover, the allegations are general and omnibus and no multiple injuries have been found on the body of the deceased. The petitioner is in custody since 04.01.2023 and charge-sheet has been submitted. The petitioner has got no criminal history.

06. Learned APP for the State opposes the prayer for bail.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



doubtful nature of allegation against the petitioner and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Madhepura in connection with Murliganj P.S. Case No. 04 of 2023 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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