

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51652 of 2023

Arising Out of PS. Case No.-171 Year-2021 Thana- GARKHA District- Saran

1. WAKIL RAI SON OF SUDARSAN RAI RESIDENT OF VILLAGE - PANCHBHIRIYA, P.S. - GARKHA, DISTRICT - SARAN AT CHAPRA
2. SHEOSAGAR RAI SON OF SUDARSAN RAI RESIDENT OF VILLAGE - PANCHBHIRIYA, P.S. - GARKHA, DISTRICT - SARAN AT CHAPRA
3. BABITA DEVI SON OF SHEOSAGAR RAI RESIDENT OF VILLAGE - PANCHBHIRIYA, P.S. - GARKHA, DISTRICT - SARAN AT CHAPRA
4. RUKHMINI DEVI DAUGHTER OF WAKIL RAI RESIDENT OF VILLAGE - PANCHBHIRIYA, P.S. - GARKHA, DISTRICT - SARAN AT CHAPRA

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54229 of 2023

Arising Out of PS. Case No.-171 Year-2021 Thana- GARKHA District- Saran

1. SUGANTI DEVI @ SUBHANTI DEVI @ SUBHAUTI DEVI WIFE OF MOTILAL RAI R/O-PANCHBHERIA, P.S.-GARKHA, DISTT.-SARAN AT CHAPRA
2. HARJEET KUMAR SON OF RAMNATH RAI R/O-PANCHBHERIA, P.S.-GARKHA, DISTT.-SARAN AT CHAPRA
3. BIRBAL RAI SON OF RAMNATH RAI R/O-PANCHBHERIA, P.S.-GARKHA, DISTT.-SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 51652 of 2023)

For the Petitioner/s : Mr.Vijay Kumar, Adv.

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 54229 of 2023)

For the Petitioner/s : Mr.Nawal Kishore Singh, Adv.

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN



ORAL ORDER

2 30-08-2023 Heard the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 302, 201, 34 of IPC.

3. Allegedly, the F.I.R. named accused persons including the petitioners are said to have committed murder of the husband of the informant and thrown the dead body in river.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. Only on the basis of hearsay witnesses, the informant has implicated the petitioners in the present case. The alleged occurrence is said to have taken place on 29.06.2020 but the complaint petition was filed on 09.09.2020 i.e. after delay of more than two and half months without giving any plausible explanation with regard to such delay, which itself creates doubt about the prosecution case. It is further submitted that there is no eye-witness to the alleged occurrence. Petitioners have no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail.



6. Having regard to the facts and circumstances of the case and considering the delay in lodging the complaint petition, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Garkha P.S. Case No.171 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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