

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49629 of 2022**

Arising Out of PS. Case No.-170 Year-2022 Thana- KHODAWANDPUR District- Begusarai

1. Neelu Sharma @ Neelu Kumari Wife of Mr. Ashutosh Sharma.
2. Prashant Kumar @ Prashant Kumar Mishra Son of Mr. Ashutosh Sharma.
3. Nirbhay Kumar @ Nirbhay Kumar Mishra Son of Mr. Ashutosh Sharma.  
All Resident of village - Meghaul Ward No.- 14, P.S.- Khodawandpur,  
District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                      |
|--------------------------|---|----------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Ajay Kumar Thakur, Sr. Advocate<br>Ms. Vaishnavi Singh, Advocate |
| For the Opposite Party/s | : | Mr. Bharat Bhushan, APP                                              |

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

3      09-01-2023                      Heard Mr. Ajay Kumar Thakur, learned Senior  
Counsel for the petitioners and Mr. Bharat Bhushan, learned  
APP for the State.

The petitioners apprehend their arrest in connection  
with Khodawanpur P.S. Case No.170 of 2022 instituted under  
Section 302/34 of the Indian Penal Code.

As per the prosecution story, the informant alleged  
that her husband used to live near the embankment and are in  
the fishing business and she used to take food for him everyday  
and on the particular day, when she went there, she saw his dead  
body with injuries on his head by some sharp cutting weapon.  
She suspected the role of these petitioners in view of the fact



that Title Suit No.50 of 2015 is pending before the learned Sessions Judge, Begusarai between them.

The matter was earlier taken up by a co-ordinate Bench of this Court on 14.10.2022 and while calling for the case diary, interim protection was granted to the petitioners.

The case diary has since been received and perused by the learned APP.

Learned Senior Counsel for the petitioners submit that while the petitioner no.1 is the lady, petitioner nos.2 and 3 are young boys pursuing their respective studies, one doing his Management from Indian Institute of Management, Bodh Gaya (petitioner no.2, Prashant Kumar Mishra) while the other boy is appearing for competitive exam and is taking coaching at the Bazi Rao Institute at Delhi (petitioner no.3, Nirbhay Kumar Mishra) and documents to these effect have also been annexed. The further submission is that save and except the suspicion due to the land dispute there is nothing on record to show their involvement in the matter.

Learned APP has gone through the case diary and has conceded that save and except the fact that the lady has reiterated in her subsequent statement during investigation, as alleged in the FIR, there is no eyewitness to the said alleged killing of the



husband of the informant.

Taking into account the fact that the petitioner no.1 is a lady, the other two petitioners are young boys who do not have criminal antecedent, there is no eyewitness to the occurrence and suspicion is only on the ground that of the pendency Title Suit No.50 of 2015 between the parties, this Court is inclined to grant them relief.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Khodawanpur P.S. Case No.170 of 2022 to the satisfaction of learned Sub-divisional Judicial Magistrate, Begusarai, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Rajiv Roy, J)**

Prakash Narayan /-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

