

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50246 of 2022

Arising Out of PS. Case No.-260 Year-2022 Thana- SIKARPUR District- West Champaran

1. Meera Devi W/O Hari Rai R/O Village- Satwariya, P.S.- Sikarpur, District- West Champaran.
2. Mahendra Rai @ Mahendara Rajbhar S/O Late Mahanth Rai R/O Village- Satwariya, P.S.- Sikarpur, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate Mr. Krishna Kant Pandey, Advocate
For the State	:	Mr. Binod Kumar No. 3, APP
For the Informant/s	:	Mr. Sanjeev Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 15-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioners and learned APP for the State as well as learned counsel for the informant.

Petitioners seek regular bail in connection with Shikarpur P.S. Case No. 260 of 2022 registered for the offence punishable under Section 302 of the Indian Penal Code.

As per the prosecution, the informant's sister was murdered by some unknown persons and the deceased's dead body was found in decomposed state in a pond.



The main submissions advanced by learned counsel Mr. Bimlesh Kumar Pandey, appearing for the petitioners are that the FIR of the instant matter was lodged after the delay of six days from the alleged date and time of occurrence, there is no eye-witness of the alleged murder and no one claimed to have seen both the petitioners killing the deceased and during the investigation at subsequent stage on the basis of information provided by so-called *spy* the prosecution fabricated absurd story which is completely unbelievable and there was no reason or motive on the part of the petitioners to kill the deceased.

Learned counsel Mr. Sanjeev Kumar, appearing for the informant has vehemently opposed the prayer for bail of both the petitioners and submitted that the victim was a deaf and dumb as well as helpless girl and according to the confessional statement made by petitioner No. 2, he tried to outrage the modesty of the victim and killed her and thereafter both the petitioners dumped the dead body in a pond and during investigation some material witnesses disclosed that they had noticed the suspicious activity of the petitioners at the relevant time of occurrence.

Heard both the sides, perused the FIR and Case diary of this case. In the instant matter, there is no direct evidence and



eye-witness of the alleged murder and prosecution is mainly relying upon the circumstantial evidences and the statement of the petitioner No. 2 made before the police, which goes to show that the petitioner No. 2 allegedly committed the murder of the victim and the said allegation is serious in nature hence, the prayer for bail of petitioner No. 2 stands rejected.

So far as the prayer for bail of petitioner No. 1 is concerned, as she is a woman and as per the allegations appearing from the statement of petitioner No. 2 upon which the prosecution is mainly relying she allegedly facilitated the petitioner No. 2 in killing and disposing of the dead body of the deceased, so considering the nature of allegation appearing against her, a lenient approach can be taken in respect of the prayer for bail of petitioner No.1. Accordingly, let the petitioner No. 1 named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Shikarpur P.S. Case No. 260 of 2022.

(Shailendra Singh, J.)

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