

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51411 of 2023

Arising Out of PS. Case No.-37 Year-2023 Thana- PATNA CITY CHOWK District- Patna

1. MANOJ KUMAR MISHRA S/O SHRI SHARDA MISHRA R/O BARE KI GALI, P.S- CHAWK, DISTT.- PATNA.-800008.
2. RAKHI MISHRA @ RAKHI DEVI @ GUDIA W/O SHRI MANOJ KUMAR MISHRA R/O BARE KI GALI, P.S- CHAWK, DISTT.- PATNA.-800008.
3. SAKET KUMAR @ RAUSHAN KUMAR S/O SHRI MANOJ KUMAR MISHRA R/O BARE KI GALI, P.S- CHAWK, DISTT.- PATNA.-800008.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Krishna Ballabha Sharma, Adv.
For the Opposite Party/s	:	Mr.Narendra Kumar Singh, APP
For the Informant	:	Mr.Lalan Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 12-12-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

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

3. As per the prosecution case, the informant alleged that due to family dispute, the petitioners have jointly killed the husband of the informant.

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. It is submitted that the father of the petitioner no.1



wanted to sell the property and has already sold the property to another person, which is clear from the rejoinder filed by the learned counsel for the petitioner. It is submitted that as a matter of fact, informant's husband has committed suicide due to the pressure of informant's brother Anand Kumar Mishra, who was compelling the deceased to sell the entire ancestral property. It is further submitted that the informant's father-in-law and informant had to sell the said property to another person for Rs.11 Crore and Rs.One crore was given to the informant's brother, which is clear from Annexure-P/3 of the rejoinder to the counter-affidavit. During investigation, on the basis of the postmortem report police has also opined that the deceased committed suicide. Petitioners have no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that earlier several threatening were given to the deceased and his family, for which, the informant filed several applications before the concerned Authorities (details of which is mentioned in the counter-affidavit) but despite that her husband has been murdered by the petitioners.

6. Having considered the arguments of the parties and perusal of the record including the case diary, it is evident that



offence u/s 306 of the IPC has been made out and there is no eye-witness to the alleged occurrence that the petitioners committed murder of the husband of the informant (brother of petitioner no.1). As a result thereof, 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 Chawk P.S. Case No.37 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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