

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53485 of 2023

Arising Out of PS. Case No.-47 Year-2023 Thana- MURLIGANJ District- Madhepura

RAJEEV KUMAR @ RAJIV KUMAR S/O LATE ASHOK KUMAR
YADAV R/O VILLAGE- PARMANANDPUR RAHTA, WARD NO. 10, P.S-
MURLIGANJ, DISTT.- MADHEPURA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Rashmi, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-08-2023

Heard the parties.

The petitioner is in custody in connection with Murliganj P.S. Case No. 47 of 2023 for the offence under sections 302, 120(B) and 34 of the Indian Penal Code lodged on 04.02.2023 by the informant, Nasiblal Yadav.

As per the prosecution story, the informant has alleged that his sister-in-law (bhabho) was assaulted and killed by his own son, Santosh Kumar and his wife Rubi Devi as also the brother-in-law namely, Rajeev Kumar (the petitioner herein) due to domestic dispute.

The further allegation is that in 2012, his brother was also killed in which the son and the daughter-in-law namely, Santosh Kumar and Rubi Devi were accuseds and they were acquitted the said matter relates to Murliganj P.S. Case No. 67



of 2012. Accordingly, the FIR.

Learned counsel for the petitioner submits that the informant though alleges against the accused persons, he is not an eye witness. In any case, the allegation is against son and daughter-in-law of the deceased, he being the brother-in-law of the accused Santosh Kumar has no role to play in the matter, is a resident of different village.

Learned APP opposes the prayer for bail stating that earlier the father and later the mother has been killed and in both cases, son and daughter-in-law were made accuseds.

Taking into account the fact that this petitioner is a resident of different village, the main allegation is against son and daughter-in-law namely, Santosh Kumar and Rubi Devi, the informant is not an eye witness, is in custody since 22.04.2023 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M.-I, Madhepura, in connection with Murliganj P.S. Case No. 47 of 2023 subject to the following conditions:

- (i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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