

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53536 of 2023

Arising Out of PS. Case No.-155 Year-2023 Thana- MUFFASIL District- West Champaran

1. BABITA DEVI W/O DHARMENDRA PURI
2. DHARMENDRA PURI S/O LATE BHAGWAT PURI
BOTH R/O VILLAGE- SHIVTOLA LALGARH, P.S- MUFFASIL
BETTIAH, DISTT.- WEST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioners, the APP as
also Mr. Avinash Raj who represents the informant.

The petitioners are in judicial custody in connection with Muffasil (Banuchapar O.P.) P.S. Case No.155 of 2023 instituted under Sections 363,365 of the IPC lodged on 03.03.2023 by the informant Rajesh Kumar Kushwaha.

As per the prosecution story, informant alleged that his son was sleeping after taking meal. When the informant wake up did not found him on the bed. They tried to search but even the phone was switched off. Accordingly, case registered under Sections 363, 365 of the IPC. Later a dead body was recovered whereafter the matter was investigated and charge-sheet submitted under Sections 302, 201/34 of the IPC.

The case of the petitioners that it is a case of last seen



on the basis of which he has been implicated. Further, the police took them in custody under coercion, she also made confession about her involvement. She has remained in custody since 30.04.2023 and ready to abide by all the terms and conditions.

Learned counsel for the informant on the other hand submits that the informant's son Sonu Kumar was in love with the petitioner's daughter which was resented by them and this led to the present occurrence. It is his further submission that the shoe of the deceased was found in the house of the petitioners.

Considering the aforesaid facts on record, the submissions put forward by the learned counsel for the petitioner, so far as petitioner no.1, Babita Devi is concerned, she being lady, do not have criminal antecedent and is in custody since 30.04.2023, her bail application stands allowed.

Let the petitioner no.1, Babita Devi be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Muffasil (Banuchapar O.P.) P.S. Case No.155 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner no.1 who shall provide official document to show



his bona fide;

(ii) the petitioner no.1 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 no.1 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 no.1 shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

So far as the petitioner no.2, Dharmendra Puri is concerned, in view of the submissions put forward by the learned counsel for the informant regarding the seizure of shoe of the deceased from his house, for the present, this Court is not inclined to extend him relief.

Accordingly, the prayer for bail as against petitioner no.2, Dharmendra Puri stands rejected.

(Rajiv Roy, J)

Prakash Narayan

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