

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60121 of 2022

Arising Out of PS. Case No.-53 Year-2022 Thana- UCHKAGAON District- Gopalganj

1. Arjun Singh Son of Late Bhola Singh R/O Village- Dahibhata, P.S.- Uchkagaon, Distt.- Gopalganj
2. Kavita Singh @ Kavita Devi Wife of Arjun Singh R/O Village- Dahibhata, P.S.- Uchkagaon, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Rai, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 24-04-2023 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The accused/petitioners are named in F.I.R. and apprehended their arrest in connection with Uchkagaon P.S. Case No. 53/2022 registered for the offences punishable under Sections 302/34 of the Indian Penal Code (in short 'I.P.C.').

The allegation against both above named petitioners, who are wife and husband, is to commit the murder of daughter of informant in her matrimonial home along with other co-



accused persons/family members.

Learned counsel appearing on behalf of the petitioners submitted that the implication of petitioner no. 1 is only for the reason that he is the brother of the co-accused Om Prakash Singh, who is the husband of the deceased against whom thrust of allegation is available as per F.I.R. It is pointed out that petitioner no. 2 is the wife of petitioner no. 1. It is also submitted that during the course of investigation informant while recording his restatement, nothing incriminate against these petitioners, who are in-laws. It is also submitted that both petitioners are in-laws and are living separately with deceased and her husband much prior to the occurrence and they are not connected with their daily and domestic affairs. While concluding the argument it is submitted that informant is not the eye witness of the occurrence and the postmortem report of the deceased is also not suggesting any external injuries to give strength to the allegation of assaulting.

Learned APP, while opposing the prayer of bail fairly conceded the fact that petitioners are in-laws.

Considering the aforesaid facts and circumstances as petitioners are in-laws, living separately, where thrust of allegation is available against husband of the deceased, let both



above named petitioners, in the event of their arrest or surrender within a period of four weeks, are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj/concerned Court, where the case is pending in connection with Uchkagaon P.S. Case No. 53 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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