

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59956 of 2022

Arising Out of PS. Case No.-227 Year-2022 Thana- PIRPAINTI District- Bhagalpur

SHIKHA KUMARI @ SHEKHA KUMARI Daughter of Jitlal Mushar @
Jitlal Rikhiyasani W/o Sikandar Manjhi, R/O Chhota Pachghar, Jirbabari, P.S.-
Jirbabari, District - Sahebganj (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Vinay Kumar, Advocate
For the Opposite Party/s :	Mr. Satyendra Prasad, APP
For the informant :	Mr. Praveen Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-01-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection with Pirpanti (Bhagalpur) PS case no. 227 of 2022 instituted for the offences punishable under Section 302/34 of the Indian Penal Code and Sections 3/4 of Dayan Act.

The case of the prosecution, according to the informant, is that on 17.07.2022, quarrel had taken place and the cow of his neighbour Raj Kumar had died, whereupon the wife of the said Raj Kumar had alleged that the wife of the informant is a witch and had also threatened to kill her. Subsequently, on the same day, at about 1 pm in the day time, the wife of the informant, while going to the field, was talking to her daughter on mobile



phone and in the meantime, the accused persons had arrived there, whereupon, they had snatched the mobile phone from the wife of the informant and had abused the daughter of the informant as also had threatened to kill her mother and then the daughter of the informant had heard her mother to be shouting vehemently. It is also alleged that subsequently, the dead body of the wife of the informant was found from the banks of the river.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 19.07.2022. The learned counsel for the petitioner has further submitted that the petitioner has got nothing to do with the alleged occurrence, is not the neighbour of the informant and she resides in the State of Jharkhand, nonetheless, her name has transpired in the present case upon the confessional statement made by one Gautam Sharma. It is also submitted that neither there is any eye-witness to the alleged occurrence nor any independent witnesses have alleged that the petitioner had killed the deceased.

Per contra, the learned APP for the State and the learned counsel for the informant have vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the



case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also having considered the impugned order dated 08.09.2022, this Court finds that there is no eye-witness to the alleged occurrence, the petitioner has got no connection with the alleged incident and she is neither neighbour of the deceased nor has got any relation with the deceased, whereas on the contrary, she resides in the State of Jharkhand, apart from the fact that she is having a clean antecedent, hence I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Pirpainti (Bakharpur) PS case no. 227 of 2022.

(Mohit Kumar Shah, J)

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