

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60204 of 2022

Arising Out of PS. Case No.-617 Year-2021 Thana- BIDUPUR District- Vaishali

1. Uma Shankar Singh @ Shankar Singh Son Of Late Anandu Singh R/O Village- Mathura , P.S- Bidupur, District- Vaishali
2. Malti Devi @ Manti Devi W/O Uma Shankar Singh R/O Village- Mathura , P.S- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra

For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 16-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioners have filed the instant application for grant of regular bail in connection with Bidupur P.S. Case No. 617 of 2021 registered under Sections 302 and 34 of the Indian Penal Code.

Prosecution case in short is that the informant's son was sleeping at his tea shop. In the early morning, petitioners along with others killed the informant's son by strangulating his neck by wooden stick and rope. The cause of occurrence is stated to be land dispute.

Learned counsel for the petitioners submits that the



petitioners are innocent and have committed no offence. They have falsely been implicated in this present case due to land dispute. It is further submitted that the informant had not seen anybody killing the deceased, he only saw the accused persons fleeing away from the tea shop of the informant. Further, it is submitted from para-9 of this petition that it has come in paragraph no. 9 of the case diary, which is the statement of independent witness that informant had three sons, namely, Manjay Singh, Munna Singh and Raju Singh(deceased). Manjay Singh was married with Manita Devi(her daughter-in-law). When the fact of illicit relation came in the knowledge of Manjay Singh, he committed suicide by hanging and the second son of informant Munna Singh left his house and did not return yet. After some time, the informant performed second marriage of his daughter-in-law namely Manita Devi with his 3rd Son Raju(deceased). The informant continued his illicit relation with his daughter-in-law. It is has further come in para no. 14, 28 and 35 of the case diary that due to illicit relation of the informant with his daughter-in-law, the wife and 1st son of the informant committed suicide and lastly the 3rd son(deceased) also committed suicide by hanging and the rope used in the hanging was recovered from the roof of the informant. It is apparent



from para-35 of the case diary that no one supported the prosecution case. The cause of death of is due to Asphyxia. A statement has been made in para-3 of this petition that the petitioners have got no criminal antecedent. They are languishing in judicial custody since 03.08.2022.

The application for bail is vehemently opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Bidupur P.S. Case No. 617 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand)each of them with two sureties of the like amount each to the satisfaction of the learned C.J.M, Vaishali at Hajipur.

(Sunil Kumar Panwar, J)

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