

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66446 of 2022**

Arising Out of PS. Case No.-40 Year-2022 Thana- SULTANGANJ District- Patna

Manju Devi w/o Suresh Mahto @ Suresh Kumar R/O Mohalla- Tikiyatoli,
Chaitola, P.S.- Sultanganj, District- patna (bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 70742 of 2022

Arising Out of PS. Case No.-40 Year-2022 Thana- SULTANGANJ District- Patna

Kiran Devi W/o Anil Mahto Resident of village- Shivpur Tikiya Toli, Chai
Tola, P.S.- Sultanganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 66446 of 2022)

For the Petitioner/s : Mr. Ajay Mishra, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 70742 of 2022)

For the Petitioner/s : Mr. Tej Kumar Maharaj, Advocate

For the Opposite Party/s : Ms. Madhuri Lata, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

4 17-04-2023 As both the criminal miscellaneous petitions have

arisen out of same P.S. case, hence they are being taken up and

decided together.

2. Heard learned counsels for the petitioners and the

learned APPs for the State.



3. Petitioners seek regular bail in connection with Sultanganj P.S. Case No. 40 of 2022 dated 08.02.2022 registered for the offences punishable under Sections 341, 323, 302, 338/34 of the Indian Penal Code.

4. As per the prosecution, the petitioners along with other co-accused persons brutally murdered the informant's daughter by smashing the victim's head by bricks. It was further alleged that these petitioners caught hold the victim's hands and legs during the alleged occurrence of murder.

5. The main submissions advanced by the learned counsels for the petitioners are that the whole family members of the petitioners have been made accused in this matter, informant is not an eye-witness of the alleged occurrence, there is no allegation against the petitioners to have killed the victim and as per allegations they caught hold the hands and legs of the victim when the alleged occurrence was being committed and except this there is no any other allegation against the petitioners and there are small children of the petitioners. Further submission is that they have been languishing in jail for the last more than one year and merely on the basis of suspicion the petitioners have been made accused.

6. Learned APPs appearing for the State have opposed



the bail prayer of the petitioners.

7. Heard both the sides and perused the FIR and the case diary of this case. The instant matter relates to brutal murder committed by the accused persons by smashing the head of the victim by bricks and as per FIR both the petitioners played an active role in the alleged commission of murder and on account of a property dispute the alleged occurrence was committed and the victim happened to be a widow woman and in order to grab her property the petitioners and other co-accused persons, who are family members, committed the alleged occurrence. Considering the seriousness of the accusation appearing against the petitioners, in the opinion of this court, petitioners do not deserve the privileges of bail at this stage. Accordingly, their bail prayer stands rejected.

8. However, the petitioners may renew their bail prayer after six months, if any significant progress is not made in their trial by the trial court.

(Shailendra Singh, J)

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