

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70433 of 2023

Arising Out of PS. Case No.-141 Year-2023 Thana- PHULWARIYA District- Gopalganj

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AJAY SINGH SON OF YOGENDRA SINGH R/O VILLAGE- NATWA,
P.S.- GOPALPUR, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 70729 of 2023

Arising Out of PS. Case No.-141 Year-2023 Thana- PHULWARIYA District- Gopalganj

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BABITA DEVI WIFE OF VIRENDRA SINGH R/O VILLAGE- NATWA,
P.S.- GOPALPUR, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 70852 of 2023

Arising Out of PS. Case No.-141 Year-2023 Thana- PHULWARIYA District- Gopalganj

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VIRENDRA SINGH S/O YOGENDRA SINGH VILLAGE- NATWA, PS.
GOPALPUR, DIST. GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 70433 of 2023)
For the Petitioner/s : Mr.Adesh Raj
For the Opposite Party/s : Mr.Anand Kishore Choudhary
(In CRIMINAL MISCELLANEOUS No. 70729 of 2023)
For the Petitioner/s : Mr.Adesh Raj
For the Opposite Party/s : Mr.Rajeev Nayan
(In CRIMINAL MISCELLANEOUS No. 70852 of 2023)
For the Petitioner/s : Mr.Adesh Raj
For the Opposite Party/s : Mr.Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR



ORAL ORDER

3 18-12-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners have prayed for regular bail in a case registered for the offence punishable under section 302, 201, 34 of the Indian Penal Code.

3. As per FIR, the informant alleged the the petitioners along with co-accused committed murder of his son due to love affair.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this present case due to previous enmity and dirty village politics. The informant is not an eye witness of the alleged occurrence and there is inordinate delay of five days in lodging the FIR without given any cogent reason. During investigation, accused Babita Devi confessed her guilt but the same is not admissible in the eye of law and dupatta of the Babita Devi is also recovered but the same has not been sent for FSL Report. It is further submitted that during investigation no consistent evidence has been collected against the petitioners. The petitioners have got no criminal



antecedent. Moreover, he is languishing in judicial custody since 03.05.2023 and 26.07.2023 respectively. It is submitted that the charges have already been framed against these petitioners.

5. Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer of Bail and submitted that the petitioners are named in the FIR. It is also submitted that the petitioner, Babita Devi confessed her guilt and her *duppata* was also recovered from the place of occurrence.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Phulwaria P.S. Case No. 141 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-XII, Gopalganj.

(Sunil Kumar Panwar, J)

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