

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74258 of 2022

Arising Out of PS. Case No.-476 Year-2022 Thana- NAGAR District- Vaishali

1. Ashok Singh @ Ashok Kumar S/O Ram Bhajan Singh @ Bhajju Singh @ Ram Bhajju Singh Resident Of Village- Katarmala Chowk, P.S.- Goraul, District- Vaishali.
2. Nitish Kumar S/O Ashok Singh @ Ashok Kumar Resident Of Village- Katarmala Chowk, P.S.- Goraul, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan No.II, Advocate Mr. Pranav Kumar, Advocate Priyanka Kumar, Advocate Mr. Bhubneshwar Mahto, Advocate Kumari Rupa, Advocate Kumari Seema Singh, Advocate
For the Opposite Party/s	:	Mr. Pranav Kumar, Addl Public Prosecutor
For the informant	:	Mr.Santosh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-04-2023 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

Prosecution case is that informant's son Jitendra Kumar (the deceased) was married to Mala in the year 2009 and Mala was having an illicit relationship with another boy, on account of which there was dispute and Mala was staying in her parental home where deceased used to visit her. It is further



alleged that on 25/26.06.2022 at 3:00 AM in the morning the father-in-law of the deceased (petitioner no.1) informed the informant that his son (the deceased) was unwell and thus asked him to come on which informant reached the place of occurrence at 4:00 AM in the morning and found Jitendra Kumar (deceased) dead. On inquiry, he came to know that in the evening some scuffle had taken place between Jitendra and his in-laws and in the night all the accused persons in connivance committed murder of Jitendra Kumar.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. No specific overt act has been alleged against these petitioners. Informant is not the eye-witness of the case. Petitioners are not family members of Mala Kumari and are on litigating term with them. Mother and brother of Mala Kumari have already been allowed bail by a co-ordinate bench of this Court vide orders passed in Cr.Misc.No. 65595 of 2022 and 65579 of 2022. Petitioners have got no criminal antecedent.

Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner mentioned above be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Vaishali at Hajipur in Hajipur Town Police Station Case No. 476 of 2022 subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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