

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37931 of 2024

Arising Out of PS. Case No.-173 Year-2023 Thana- PIRO District- Bhojpur

1. Asha Devi Wife of Dhanjee Dom Resident of Village - Jhumak Tola, P.S.- Bikramganj, District- Rohtas.
2. Bindhyanchal Dom Son of Muna Dom Resident of Village - Saheb Tola, P.S.- Bihiya, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jainendra Kumar Pushkar, Advocate

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-09-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Piro (Hasan Bazar) P.S. Case No. 173 of 2023 registered on 18.04.2023, for the alleged offences under Sections 302, 201/34 of the Indian Penal Code.

03. As per prosecution case, petitioner and co-accused persons came to the house of the informant and took away her husband on a motorcycle on the pretext of bad health of daughter in law of the petitioner no. 1. Thereafter, there was no trace of the husband of the informant. After 16 days, the informant came to know about recovery of half-burnt dead body of an unknown person, which she claimed to be of her husband.



Thereafter, she named the petitioners along with other co-accused persons for being involved in murder of her husband due to previous land dispute..

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. There is land dispute over purchase of land in the name of petitioner no. 1 and the informant and the family of petitioner no. 1 are related by blood and are agnates. Petitioner no. 2 is son-in-law of petitioner no. 1. There is no eye witness to the alleged occurrence and nothing incriminating has been recovered from the petitioners. There is delay of 17 days in lodging the FIR which has not been explained and it creates doubt over the prosecution case. The petitioners are very poor persons and are daily wagers. The petitioners are having clean antecedent. Learned counsel further submits that similarly placed co-accused persons have been granted bail vide order dated 07.11.2023 passed in Criminal Misc. No. 70009 of 2023 and the case of the petitioners is on similar footing.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the distinct lack of material against the petitioners and further



considering the possibility of false implication and the background of land dispute, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class/concerned court, Bhojpur at Arrah in connection with Piro (Hasan Bazar) P.S. Case No. 173 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following condition:

- (i) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

