

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43075 of 2024

Arising Out of PS. Case No.-114 Year-2023 Thana- GHOGHARDIHA District- Madhubani

Anita Kumari W/o Pramod Kumar Shafi R/o Village-Narhi, P.S.-Andhramath,
District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Bharti, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 28-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioner seeks regular bail in connection with
Session Trial No. 655 of 2023 arising out of Ghoghardiha P.S.
Case No. 114 of 2023, lodged on 10.07.2023, under Sections 302
and 201/34 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged
against two named accused persons including the present
petitioner against whom there is an allegation in the FIR made by
the informant that his wife was ill and has love affairs with other
co-accused and with a view to continue their relation, they have
killed the two children by way of strangulation and throwing in the
river.

4. Learned counsel for the petitioner submits that the



the FIR has been lodged by virtue of statement of the informant and the said informant became hostile at the time of evidence, therefore, there is no material against the petitioner in this case.

5. Learned counsel for the informant submits that in the FIR, there is direct allegation but he is not in a position to answer the question on the argument of the petitioner that informant become hostile during the evidence.

6. Learned counsel for the State, on the other hand, opposes the prayer for bail and submits that both the accused persons has been caught by the local people and the car used in the crime by these two petitioners has also been recovered and has been handed over to the police which is narrated in the FIR. He further submits that from the content of the FIR the entire FIR is based on hearsay evidence but the recovery of car and arresting of these two persons are by the public at large.

7. In the present facts and circumstances, this Court is not inclined to grant regular bail to the petitioner.

8. Accordingly, the prayer for regular bail of the petitioner is hereby rejected.

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(Dr. Anshuman, J.)

