

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48974 of 2024

Arising Out of PS. Case No.-101 Year-2024 Thana- ALAMGANJ District- Patna

Rani Devi W/O Avinash Shah @ Avinash Sao Resident Of Chhoti Nagala,
Adarsh Colony, P.S- Malsalami, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 48991 of 2024

Arising Out of PS. Case No.-101 Year-2024 Thana- ALAMGANJ District- Patna

Deepu Kumar Son of Late Raj Kumar R/O Belbarganj, P.S.- Alamganj, Dist.-
Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 48974 of 2024)
For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP
(In CRIMINAL MISCELLANEOUS No. 48991 of 2024)
For the Petitioner/s : Mr. Gajanan Mishra, Advocate
For the Opposite Party/s : Mr. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-09-2024 Both the matters are arising out of the same P.S. Case

and as such with the consent of the parties both the applications

have been heard together and disposed off by this common

order.

2. The petitioners seek grant of regular bail, who are

in custody, in connection with Alamganj P.S. Case No.101 of

2024, registered for the offence punishable under Sections 302

and 201 of the Indian Penal Code.

3. In course of patrolling, the police found a dead



body lying in the back side at Giriraj Marriage Hall near Belwarganj. On verification it transpired that the deceased was done to death by throttling and in order to screen off the offence the dead body was thrown behind the marriage hall. None of the local persons identified the deceased and accordingly the FIR has been instituted against unknown miscreants.

4. Learned Advocate for the petitioners adverting to the narrations made in the FIR submitted that the FIR has been instituted against unknown miscreants and not even a suspicion has been raised about the complicity of the petitioners in the present crime, however, during the course of investigation, on the confessional statement of some accused persons, it transpired that the petitioner (in Criminal Miscellaneous No.48974 of 2024) had illicit relationship with the younger brother of the deceased along with other persons which was always opposed by the deceased and on account of this reason the deceased was eliminated. It is further contended that in fact the entire case is based on suspicion and save and except suspicion and the confessional statement there is no material suggesting the complicity of the petitioners in the crime. There is no eye-witness to the alleged occurrence. It is also the submission of the learned Advocate for the petitioners that the



petitioner's husband and deceased filed a title suit against their mother on 01.08.2021 vide Title Partition Suit No.108 of 2021 and during the pendency of the suit, the mother-in-law of the petitioner Rani Devi had sold the property, in question, in favour of wife of one Aashish Kumar, a land mafia who had threatened the petitioner and her husband. Thus, there was a motive against Aashish Kumar to kill the deceased.

5. On the other hand, learned APP for the State vehemently opposed the bail application and submits that during the course of investigation materials have come suggesting the complicity of the petitioner in the crime apart from the motive which is writ large.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case is based on suspicion and confessional statement coupled with the fair antecedent of the petitioners and the completion of the investigation, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) **each** with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Patna City, Patna in connection with Alamganj P.S. Case No.101 of 2024, subject to the condition that one of the bailors will be the close relatives of



the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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