

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68792 of 2024

Arising Out of PS. Case No.-83 Year-2024 Thana- KISHANPUR District- Supaul

1. Jagdeo Sharma @ Jagdev Sharma @ Jagdev Chaupal Son of Late Bechan Sharma R/o Vill.- Parsa Madho, Ward No. 07, P.S.- Kishanpur, Dist.- Supaul.
2. Somani Devi Jagdeo Sharma @ Jagdev Sharma @ Jagdev Chaupal R/o Vill.- Parsa Madho, Ward No. 07, P.S.- Kishanpur, Dist.- Supaul.
3. Poonam Devi Wife of Raj Kumar Sharma R/o Vill.- Parsa Madho, Ward No. 07, P.S.- Kishanpur, Dist.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 20-11-2024 Heard Mr. Pramod Mishra, learned counsel for the

Petitioners and Mr. Narendra Kumar Singh, learned Additional

Public Prosecutor for the State.

2. Petitioners seek regular bail in connection with
Kishanpur P.S. Case No. 83 of 2024, dated 22.03.2024
registered for the offences punishable under Sections 302, 201,
376 and 34 of the Indian Penal Code.

3. As per prosecution story, on 21.03.2024, informant
was working at Chura Mill situated at Thumha Bazar when got
the information from his sister, namely, Poonam Devi on Mobile
that his mother was killed by some unknown miscreants and her



dead body was thrown in the Maize field of one Rajendra Sah. On aforesaid information, the informant went there at 12:30 where he found the dead body of his mother in a naked condition.

4. The main submissions advanced by learned counsel for the petitioners are that there is no direct allegation against the petitioners for showing their involvement in the commission of the alleged murder. The petitioner nos. 2 and 3 are simply stated to be present with the petitioner no. 1 at the time of commission of the alleged offence and the petitioners are not named in the F.I.R., and during the course of investigation, they were made accused based on statements said to have been given by them to the police but, there is no evidence to support the allegations and there is no eye witness to the alleged occurrence.

6. On the other hand, Mr. Narendra Kumar Singh, learned A.P.P. for the State has vehemently opposed the bail prayer of the petitioners. He submitted that as per paragraph no. 29 of the case diary, there was an illicit relationship between the petitioner no. 1 and the deceased and as per Para 37 of the case diary, firstly the petitioner no. 1 sexually assaulted the victim and thereafter, all the petitioners strangled the deceased to death by twisting her neck and in this regard the medical



findings of external injuries given in the postmortem report of the deceased are relevant.

7. Having considered the seriousness of the allegation appearing against all the petitioners as pointed out by the learned A.P.P. and taking into account the cause of death of the deceased and petitioners’ active participation in the alleged murder, in my opinion, it is not a fit case for bail to the petitioners, accordingly, their prayer for bail stands rejected.

(Shailendra Singh, J)

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