

IN THE HIGH COURT of JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78952 of 2023

Arising Out of PS. Case No.-145 Year-2023 Thana- BARGAINIA District- Sitamarhi

1. Chhotelal Giri @ Chhoelal Giri Son of Kanchan Giri Resident of Village- Gamahariya Khurd, Ward No. 10, Ps- Adapur, Dist- East Champaran At Motihari
2. Urmila Devi Wife of Kanchan Giri Resident of Village- Gamahariya Khurd, Ward No. 10, Ps- Adapur, Dist- East Champaran At Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Krishna Murari, Advocate
For the State	:	Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-03-2024 1. Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioners are named in F.I.R. and apprehending their arrest in connection with Bairstania P.S. Case No. 145 of 2023, registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code.

3. The allegation against above named petitioners is to commit murder of son of the informant alongwith other co-accused persons/family members, where occurrence arises out of land disputes.

4. Learned counsel appearing on behalf of the



petitioners submitted that informant is not the eye witness of the occurrence, where implication is completely based upon suspicion out of land dispute. It is submitted that out of family frustration, the son of informant committed suicide having otherwise no connection with petitioners and their family members. In support of his submission, it is submitted that the post-mortem report of the deceased also showing cause of death as cardio respiratory failure, as a result of hanging. While concluding the argument, it is submitted that petitioner no. 2 is the mother of petitioner no. 1, where both petitioners are having of clean antecedent.

5. Learned APP duly assisted by learned counsel appearing for the informant, while opposing the prayer of bail submitted that both petitioners are alleged to be actively participated in the occurrence.

6. Considering the aforesaid facts and circumstances as entire implication, prime facie, based upon suspicion, where informant is admittedly not the eye witness of the occurrence, accordingly, both above named petitioners, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)



each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi/concerned Court, where the case is pending in connection with Bairgania P.S. Case No. 145 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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