

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6924 of 2024

Arising Out of PS. Case No.-158 Year-2023 Thana- JAMOBABAZAR District- Siwan

1. Krishna Sharma @ Benga Sharma S/O Late Ram Nath Sharma R/O Village and P.S- Jamo Bazar, Distt.- Siwan.
2. Chinta Devi W/O Krishna Sharma @ Benga Sharma R/O Village and P.S- Jamo Bazar, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Bardhan Pandey, Advocate
For the Opposite Party/s	:	Mr. Kumar Veerendra Narayan, APP
For the Informant	:	Mr. Hemant Ray, Advocate
		Mr. Sharad Kumar Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the informant and learned APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Jamo Bazar P.S. Case No. 158 of 2023, registered on 15.07.2023 for the offences under Sections 302/34 of the Indian Penal Code.

3. As per prosecution case, the informant, who is tenant of the petitioners, alleged that he has been staying in the house of the petitioners for last 10 years and there has been



continuous quarrel between the petitioners and wife of the informant as the petitioners took Rs.3,70,000/- from the informant and had not been returning it. On the date of occurrence the petitioner no. 2 informed the informant that his wife was very ill and when the informant reached his house he found his wife dead. The informant showed his suspicion that the petitioners and their associates murdered his wife.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The present case is false and concocted and only on suspicion the petitioners have been implicated in this case. There is no eye witness and the postmortem report does show any injury or any unnatural cause of death though part viscera has been sent for forensic examination. Learned counsel further submits that even from the FIR it is evident that no overt act has been attributed to the petitioners and the story of the informant is highly improbable and it is not believable. Petitioner no. 1 is having criminal antecedent of one case of the year 2015 whereas petitioner no. 2 is having no criminal antecedent.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioners. Learned counsel



for the informant submits that there is specific allegation against the petitioners for causing death of the wife of the informant in the background of continuous quarrel and dispute between them over return of Rs.3,70,000/-, for which the petitioners have killed the wife of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague and improbable nature of accusation against the petitioners without any substantive material as is apparent from perusal of the case diary, 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 bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan/concerned court in connection with Jamo Bazar P.S. Case No. 158 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) 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)

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