

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2873 of 2015

Arising Out of PS.Case No. -79 Year- 2014 Thana -PRATAPGANJ District- SUPAUL

Hariballabh Jha S/o - Late Gulli Jha resident of Village - Araraha, P.S. -
Pratapganj, District - Supaul.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

With

Criminal Miscellaneous No.2903 of 2015

Arising Out of PS.Case No. -79 Year- 2014 Thana -PRATAPGANJ District- SUPAUL

Braj Mohan Jha S/o - Hariballabh Jha resident of Village - Araraha, P.S. -
Pratapganj, District - Supaul.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance:

(In Cr. Misc. No.2873 of 2015)

For the Petitioner/s : Mr. Rakesh Kumar Jha, Advocate.
For the Opposite Party/s : Dr. Indihar Kumari, APP.

(In Cr. Misc. No.2903 of 2015)

For the Petitioner/s : Mr. Rakesh Kumar Jha, Advocate.
For the Opposite Party/s : Dr. Indihar Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 19-03-2015 Heard both sides.

The petitioners in Cr. Misc. No. 2873/2015 and Cr.
Misc. No. 2903/2015 seek regular bail in Pratapganj P.S. Case No.
79/2014 under Sections 306 and 34 of the Indian Penal Code.

The petitioners are father and brother of the deceased



Sanjeev Kumar Jha. The informant, mother of Pinki Kumari and mother-in-law of Sanjeev Kumar Jha, disclosed that after marriage of Sanjeev Kumar Jha with Pinki Kumari, the parents and family members of Sanjeev Kumar Jha were not allowing Sanjeev Kumar Jha and his wife to live in the house. Sanjeev Kumar Jha along with his wife came from Delhi and wanted to live in their house but the accused persons did not allow them to reside in the house. They consumed poison. Thereafter, the accused persons threw their dead body on the embankment. It is further alleged that Kaushal Jha, brother of the informant, after having received the information, went there and saw the accused persons drowning Sanjeev Kumar Jha and his wife in water but they fled away.

Learned counsel for the petitioners submits that the informant is not an eye witness of the occurrence. During the course of investigation, the informant has given a different story that her son-in-law and daughter consumed poison only because the petitioners and other family members were not allowing them to reside in the house. It is further submitted that Kaushal Jha, who is alleged to be the eye witness of the occurrence of drowning Sanjeev Kumar Jha and his wife, has not been examined by the investigating officer. The post mortem report shows that the deceased did not get any external or internal injury. Viscera was

preserved. Some of the witnesses, during the course of investigation, have stated that the in-laws of Sanjeev Kumar Jha had taken money from Sanjeev Kumar Jha and they were not returning money, due to which, Sanjeev Kumar Jha and his wife committed suicide.

Learned A.P.P., on the other hand, has vehemently opposed the prayer for bail.

On perusal of the record, it appears that although the informant is not an eye witness of the occurrence, she alleged that her son-in-law and daughter committed suicide by consuming poison. She further alleged in her Fardbeyan that her brother saw the petitioners and other family members of Sanjeev Kumar Jha drowning the deceased in water, but the post mortem report does not support her version. The deceased did not die due to drowning. Kaushal Jha has not been examined. There appears that there is no material that the petitioners were torturing Sanjeev Kumar Jha and his wife and, on account of such, they committed suicide.

Considering the facts aforesaid and the fact that the petitioners are father and brother of the deceased Sanjeev Kumar Jha, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the

learned Chief Judicial Magistrate, Birpur, Supaul in Pratapganj
P.S. Case No. 79/14.

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(Prabhat Kumar Jha, J)