**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Criminal Miscellaneous No.17522 of 2015**

Arising Out of PS.Case No. -84 Year- 2007 Thana -SARAN GRP CASE District- SARAN

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Tarkeshwar Dasil

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr. Sushil Kumar Singh-Advocate
For the Opposite Party/s : Mr. Binod Kumar 2 (A.P.P.)

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**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI**
ORAL ORDER

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03 20-05-2015 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor assisted by learned counsel for the informant.

Dead body of deceased, Indu Bala @ Baby was found over railway track over which informant, Ashok Kumar Yadav was informed by Guddu Rai, son of his Sadhu that *Sasuralwala* of Indu Bala after committing her murder has thrown away her dead body over railway track. He rushed and found injuries over her person. Then, he had disclosed that deceased was married with Ravi Dasil @ Chhotan Rai in the month of November, 2004. At that very time, they have gifted according to their means. After one and half years of marriage, the Ice Cream Factory belonging to Ravi Dasil, became closed and on account thereof, Ravi Dasil, his brother Tarkeshwar Dasil (petitioner),

Shivji Dasil @ Sadhu Ji (father in-law), his wife began to put pressure to have Rs.1,00,000/- otherwise will have to face dire consequence. There was talk of compromise on that very score, however, during midst thereof, she was eliminated.

Petitioner is the brother of husband of deceased. He was not sent up for trial. However, differing there from, while taking cognizance by the learned lower Court also summoned the petitioner. Aggrieved thereby, petitioner along with others had moved quashing petition and the same was rejected. Meanwhile, petitioner along with others were granted anticipatory bail, however, the same was set aside by the Hon'ble Apex Court. Now, petitioner being under custody has prayed for regular bail.

It has been submitted on behalf of petitioner that he happens to be a government servant and at the relevant time, he was posted at Danapur and so, it was not expected his presence on day to day affair. Furthermore, it has been submitted that from the statement of mother of deceased recorded under Paragraph-35 of the case diary, it is apparent that she had categorically stated that demand was being made by her (deceased) husband, Ravi Dasil as well as by her mother in-law. That being so, implication of other family members happens to be by way of revenge.

On the other hand, learned Additional Public

Prosecutor assisted by learned counsel for the informant opposed the prayer and submitted that by having cognizance of an offence coupled with summon of petitioner is indicative of presence of prima facie case against the petitioner and others. Furthermore, the witnesses have categorically stated involvement of the petitioner during course of demand. It has also been submitted that dead body was lifted by the accused persons to the railway track in order to cover it a case of accidental death than the murder.

After going through the case diary as well as hearing rival submissions coupled with status of the petitioner, being under custody since 13.03.2015, petitioner, **Tarkeshwar Dasil** is directed to be released 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 Rail Magistrate, Sonepur, Saran in connection with Chapra Rail P. S. Case no.84 of 2007.

**(Aditya Kumar Trivedi, J)**

Vikash/-

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