

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31627 of 2015

Arising Out of PS.Case No. -55 Year- 2015 Thana -JHANJHARPUR District- MADHUBANI

1. Pramila Devi W/o Late Boue Lal Mahto
2. Lalita Devi W/o Satya Narayan Mahto All Resident of Village Sirkhariya, P.S. Jhanjharpur, District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.35161 of 2015

Arising Out of PS.Case No. -55 Year- 2015 Thana -JHANJHARPUR District- MADHUBANI

1. Satya Narayan Mahto Son of Late Laxmi Mahto,
2. Dukhan Mahto, Son of Late Laxmi Mahto, All residents of village - Sirkhariya, P.S. - Jhanjharpur, (Arariya Sangram), District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.31627 of 2015)

For the Petitioner/s : Mr. Baleshwar Kamat

For the Opposite Party/s : Mr. Gagandeo Yadav

(In Cr.Misc. No.35161 of 2015)

For the Petitioner/s : Mr. Raj Kishor Prasad

For the Opposite Party/s : Mr. Bharat Lal(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 10-11-2015 Both the Criminal Miscellaneous arise out of the same occurrence and as such both have been heard together and are being disposed of by passing this common order.

Heard the learned counsel for the petitioners, the

learned A.P.P as also the learned counsel for the Informant.

The petitioners seek bail in a case for the offences punishable under sections 302, 201, 498 (A), 494 and 120 (B)/34 of the I.P.C

Kaushlya Devi, the daughter of the informant was married with Rabindra Mahto in the year, 1997 and out of wedlock there is one daughter and one son aged 15 years and 12 years respectively. Rabindra Mahto started demanding dowry by way of Rs. 2,00,000/- and disappeared both the children and kicked out Kaushlya Devi resulting she was living alone and Rabindra Mahto with the aid and assistance of the petitioners married with Dropadi Devi and thereafter on 19.04.2015 Rabindra Mahto, Santosh Kumar and Dropadi Devi came in the village and after getting knowledge the informant went there and did not find his daughter and there was blood stain in the room, bed, table and earth and all the family members disappeared and accordingly it is alleged that Kaushlya Devi might have been killed. During investigation on the basis of confessional statement of these petitioners the dead body of Kaushlya Devi @ Fulo was recovered after digging the soil.

Submission is of false implication and that the petitioners are living separately since long from Rabindra Mahto.

From the FIR itself it is evident that Rabindra Mahto was living with his wife Kaushlya Devi at Delhi and there was no connection with these petitioners. The police after adopting third degree method had got recorded the confessional statement of the petitioners after recovery of the dead body. The petitioners Lalita Devi and Pramila Devi are ladies and as such they deserve sympathetic consideration as they are in custody since 21.04.2015.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the petitioners have confessed their guilt leading to recovery of the dead body and as such they do not deserve bail.

In the facts and circumstances as stated above, considering that Lalita Devi and Pramila Devi (petitioners in Cr. Misc. No. 31627 of 2015) are ladies and on the basis of the disclosure made by Dukhan Mahto and Satya Narayan Mahto (petitioners in Cr. Misc. No. 35161 of 2015) the dead body was recovered and as such petitioners Lalita Devi and Pramila Devi are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M. Jhanjharpur, District-Madhubani in Jhanjharpur (Arariya Sangram) P.S. Case No. 55 of 2015/ G.R. No. 604 of 2015, subject to the conditions that one of

the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

But considering that on the disclosure made by petitioners Dukhan Mahto and Satya Narayan Mahto the dead body of Kaushlya Devi has been recovered and further considering their hands in the crime this Court is not inclined to enlarge them on bail and accordingly their prayer for bail stand rejected.

(Jitendra Mohan Sharma, J)

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