

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32053 of 2015

Arising Out of PS.Case No. -69 Year- 2015 Thana -SAHEBGANJ District- MUZAFFARPUR

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1. Balendra Sah S/o Triveni Sah
2. Gaytri Devi @ Indu Devi W/o Balendra Sah
Both resident of village- Dharampur Ram, P.S.- Sahebganj, District-
Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pradeep Kumar Sinha

For the Opposite Party/s : Mr. Renu Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 06-11-2015 Heard learned counsel for the petitioners and

learned counsel representing the State.

Supplementary affidavit has been filed on behalf of

the petitioners. Let it be kept on record.

Petitioners seek bail in connection with Sahebganj
P.S. (Muxaffarpur) Case No. 69 of 2015 registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code.

Allegedly, the petitioners and other co-accused used

to assault Rita Devi the daughter of the informant and Mantu Sah
the husband of the daughter of the informant was at Jam Nagar to
earn his livelihood and ultimately Rita Devi was assaulted and

strangled to death by the petitioners and other co-accused and her dead body was kept at the door.

Submission is of false implication and that there is no eye witness of the occurrence, the deceased was suffering from mental ailment and she was under going treatment. The petitioners were not at the house as they were attending Yaga at their relative village. The deceased was desirous to go with her husband but when she could not go there, she was very much disappointed, the petitioners were living separately from the deceased and her husband which is supported by the statement of the son of the deceased vide paragraph 31 of the case diary. The petitioners being father-in-law and mother-in-law are suffering in custody since 12.04.2015 having no criminal antecedent and chargesheet has already been submitted and there is no chance of tampering with prosecution evidence.

Learned APP opposes the prayer for bail by submitting that on the person of deceased several injuries of abrasion have been found and she died due to asphyxia as a result of anti mortem throttling.

In the facts and circumstances stated above, considering the position of the petitioners and further chargesheet has already been submitted and there is no chance of tampering

with prosecution evidence, the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate (West), Muzaffarpur in connection with Sahebganj (Muzaffarpur) P.S. Case No. 69 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 petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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