

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49823 of 2014

Arising Out of PS.Case No. -30 Year- 2014 Thana -JIRADEI District- SIWAN

Jyotish Prasad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh-Advocate
For the State : Md. Arif-(A.P.P.)
For the Informant : Mr. Ajay Kumark Pandey-Advocate

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

04 08-04-2015 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor assisted by the learned counsel for the informant.

Jarina Khatoon, mother of deceased Imran Hussain gave her fard-beyan disclosing therein that her son had gone to see cinema over projector being plied by the Barat Parties in the village and on account thereof, he did not come up-till 12 O'clock, so she had gone to sleep. Then, it has been narrated that her son came and called, but as she happens to be under deep sleep could not respond. Subsequently thereof, after hearing sound of cry raised by her son, she along with her husband and other family members came outside and seen her son in badly burnt condition. On query, he disclosed that Jyotish Prasad (petitioner), his wife and his daughter Sapna Kumari took him behind their

house, sprinkled kerosene oil and then lit fire. She has further disclosed that both the parties were on inimical term in the background of love affair persisting in between her son as well as Sapna Kumari.

It has been submitted on behalf of petitioner that after investigation, police had submitted chargesheet under Section 306 of the I.P.C. whereunder vide order dated 12.02.2015, cognizance had also been taken. It has also been submitted that from the case diary, more particularly Para-83, it is evident that so many persons were examined, who have had disclosed the prevailing love affair amongst deceased with Sapna and further having intervention of local inhabitants whereupon Panchayati was convened and both the parties were forbidden to proceed. Virtually that has depressed the deceased, who committed suicide and for that also referred Annexure-2, the written report submitted by Sapna Kumari, wherein she had specifically stated that deceased had come to her while she was sleeping over her roof and induced her to accompany him. However, on her refusal, he got down and subsequently thereof, such incident had occurred. The aforesaid information was received by the police on 24.05.2014 at about 3.15 a.m. and that happens to be the basis of registration of Siwan Mahila P. S. Case no.90 of 2014. It has also been submitted that

none is an eye witness. The informant managed the theme in the background of aforesaid eventualities. Petitioner happens to be under custody since 07.10.2014.

On the other hand, learned Additional Public Prosecutor assisted by learned counsel for the informant opposed the prayer and submitted that mere taking cognizance under Section 306 of the I.P.C. will not deflect the nature of the crime though for the present that will certainly command.

Accordingly, petitioner **Jyotish Prasad** 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 Chief Judicial Magistrate, Siwan in connection with Ziradei P. S. Case no.30 of 2014.

(Aditya Kumar Trivedi, J)

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