

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40801 of 2015

Arising out of PS.Case No. -79 Year- 2015 Thana -WARISNAGAR District- SAMASTIPUR

1. Anil Sah, son of Late Jagdeo Sah.
2. Munnar Devi, wife of Jagdeo Sah. Both residents of village - Satmalpur,
P.S. - Warisnagar, District - Samastipur.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioners : Mr. Sujit Kumar Singh, Advocate.
For the Opposite Party : Mr. Amrendra Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-10-2015 Heard learned counsel for the petitioners and learned
counsel for the State

The petitioners are languishing in custody since
06.05.2015 in connection with Warisnagar P.S. Case No. 79 of
2015 for the offences instituted under Section 302/34 of the IPC.

The prosecution story, in brief, is that one Ramnath Sah,
Son of Late Jagdish Sah, resident of Village- Bharpura, P.S.-
Bibhutipur, District-Samastipur, gave a written report to the
S.H.O. of Warisnagar Police Station alleging therein inter-alia that
he had married his daughter, namely, Pramila Devi with Anil Sah,
eight years back as per Hindu rituals and customs and at the time
of marriage he has given as per his capacity but after some time,



his son-in-law, mother, Munnar Devi and Dewar started torturing his daughter for not giving birth of children but any how the informant pacified the matter and after treatment, the daughter of the informant gave birth of two children who are aged about six years and two years respectively. Thereafter, his son-in-law, his mother and Dewar started to assault his daughter and demanded Motorcycle for carrying business and on 04.05.2015 at 9.30 P.M., he came to know that his daughter was killed by the accused persons by setting fire upon which the informant came to the *Sasural* of his daughter and where he came to know that they are at *Savitri Nursing Home* at Samastipur and then he alongwith villagers came to *Savitri Nursing Home* at Samastipur where his son-in-law Anil Sah, mother Munnar Devi and Dewar Shyam Sah were present and Shyam Sah managed to flee away from there. Thereafter, the informant caught his son-in-law and mother and handed over to the police station with the dead body of his daughter and he has further alleged that his son-in-law's left hand was also burnt in this occurrence.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. The petitioners are in custody since 06.05.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence

against this petitioners. The case was instituted for the offence under Section 302/34 of the IPC but subsequently charge sheet has been submitted under Section 306/34 of the IPC There is no specific allegation against the petitioners. The petitioners have falsely been implicated in the present case.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Samastipur, in connection with Warisnagar P.S. Case No. 79/2015.

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(Sudhir Singh, J)