

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15792 of 2016

Arising Out of PS.Case No. -114 Year- 2015 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

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Rambabu Sah, Son of Khaheru Sah, Resident of Village - Parsa, P.S.-
Dhaka, District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Ashraf Ansari, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 25-05-2016 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioners are languishing in jail custody since
12.1.2016 in connection with Dhaka, P.S. Case No.114 of 2015
for offences punishable under sections 302 and 201/34 of the
Indian Penal Code.

The prosecution case is that the informant lodged
information with Police alleging therein that his cousin Roma
Devi was married to Rambabu Sah some 20 years back. He
further stated that his aunt and uncle had already passed away.
In the night of 24/25.5.2015 her husband-Rambabu Sah along
with Khateru Sah, Ramlal Sah-wife of Khateru Sah and
Tilleshwari Devi assaulted to death Roma Devi. They threw the

dead body in Sareh of Narkatiya Village. Police recovered the body.

It is submitted by the learned counsel for the petitioner that the marriage is about 20 years old and the petitioner who is the husband of the deceased had three children and even grand children. He submits that the informant who is the cousin brother of the deceased Roma Devi had in his written statement submitted that the deceased had developed illicit relations with the co-villager Babu Lal Sah and some land has been sold by the deceased in which the said Babu Lal Sah had taken money from the deceased and bought motorcycle. As such there was a dispute between the said Babu Lal Sah and the deceased. He submits that she was not even living with the petitioner and his family and on account of dispute she had run away to Nepal and was brought back three days ago. He submits that the allegations against the petitioner are false. He further submits that there is no eye witness to the alleged occurrence and the petitioner has been implicated only on the basis of suspicion. He further submits that the petitioner has been chargesheeted and thus there is no chance of tampering with the evidence and undertakes not to flee away.

Learned counsel for the state submits that complexity of

the petitioner as stated by the witnesses are in various paragraphs of the case diary hence opposes the prayer for bail.

Be that as it may, since there is no eye-witness to the alleged occurrence and the marriage of the petitioner being about 20 years old, it is directed that the petitioner to be released on bail of furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of like amount to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran in connection with Dhaka, P.S. Case No.114 of 2015.

(Nilu Agrawal, J)

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