

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13339 of 2016

Arising Out of PS.Case No. -33 Year- 2015 Thana -KOTHI District- GAYA
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- 1. Ramdeo Yadav S/o Late Keshar Yadav
- 2. Phulwa Devi W/o Ramdeo Yadav Both residents of Village - Bagewar, P.S.- Kothi, District - Gaya.

.... Petitioners

Versus

- 1. The State of Bihar.

.... Opposite Party
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Appearance :
For the Petitioners : Mr. Bhaskar Shankar, Advocate.
For the Opposite Party : Mr. Tapeswar Sharma (APP)
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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 10-05-2016 Heard learned counsel for the petitioners and learned A.P.P. representing the State.

The petitioners seek bail in connection with Kothi P.S. Case No. 33 of 2015 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

Allegedly in the absence of the husband of the daughter of the informant, the petitioners being father-in-law and mother-in-law used to torture and assault her and ultimately the petitioners after assaulting her strangulated her to death.

Submission is of false implication and that the daughter of the informant used to quarrel on petty matter, earlier she has jumped into the Well to commit suicide and this fact has



been admitted by the brother of the deceased vide para-9 of the case diary and further other witnesses vide para- 24, 25, 26 and 27 have also stated that the deceased Sona Devi was suffering from illness and her uncle was directed to get her treated but he refused and it appears that she died due to illness, during postmortem no external injury has been found on her person and caused of death has not been ascertained, resulting viscera was preserved and as such the allegation that she was assaulted and strangled to death appears not reliable, the petitioners are suffering in custody since 19.12.2015.

Learned A.P.P. opposes the prayer of bail but fairly submits that postmortem report does not support the prosecution version.

In the facts and circumstances stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such, the petitioners above named are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sherghati, Gaya, in connection with Kothi P.S. Case No.33 of 2015, subject to conditions that one of the bailors must be 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.

(Jitendra Mohan Sharma, J.)

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