

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8275 of 2016

Arising Out of PS.Case No. -81 Year- 2015 Thana -BALIGAON District- VAISHALI(HAJIPUR)

- =====
1. Joyti Kumari W/o Dhiraj Kumar resident of village - Dharampur, P.S. - Patori, District - Samastipur.
 2. Vijay Kumar @ Vijay Kumar Singh S/o - Late Sitaram Singh R/o Village - Baghi, P.S. - Musrighrari, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Kumar

For the Opposite Party/s : Mr. Umeshanand Pandit(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 24-05-2016 Heard the counsel for the petitioners and Mr. Ramchandra Singh APP for the State.

The two petitioners herein are named accused of Baligao P.S. case no. 81 of 2015 registered under Sections 302/201 of the IPC.

The mother lodged the case that after the death of her son-in-law the victim was residing in her sasural. On the date of occurrence, it is alleged, that on receiving a call from the 'Sasural' she left the place. The following day her dead body was found deserted in a field.

Contention of the petitioners is that there is no direct evidence incriminating the petitioners in the alleged crime. It is

based on suspicion. Materials have not been collected in course of investigation that it was the petitioner no.1 who called the deceased on the alleged date of occurrence.

Learned APP opposed the prayer and submitted with reference to the case diary that there was a motive on the part of the petitioner no.1 to do away with the life of the deceased as she had developed illicit relationship with her husband. Under a conspiracy she was called and with the help of other family members she was done to death. In a case like this instituted under Section 302 IPC where there is a strong motive to commit the offence, I am not satisfied that a case for anticipatory bail is made out. Prayer is, accordingly, rejected.

Needless to observe, if they surrender and seek bail before the Court below, in that event the Court below shall consider and dispose of the same on its own merit and pass appropriate order uninfluenced by the present order.

(Kishore Kumar Mandal, J)

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