

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18096 of 2016

Arising Out of PS.Case No. -381 Year- 2015 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

=====

1.Sangeeta Devi wife of Sanjay Sharma @ Chunchun, R/o Village-
Namindpur, P.S.-Hilsa,District-Nalanda, at present Village- Chatki Berthu,
P.S.-Makhdumpur, Jehanabad.

2. Chunnu Sharma @ Ranjit Sharma son of Surendra Sharma, Resident of
village- Momindpur, P.S.-Hilsa, Distt.Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr.Advocate.

For the informant : Md. S.Azeem, Advocate.

For the Opposite Party/s Mr. Shailendra Kumar-I(App)

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 20-06-2016 Heard learned Senior counsel for the petitioners as

well as learned Additional Public Prosecutor for the State assisted

by the informant.

The petitioners are apprehending their arrest in Hilsa
P.S. Case No.381/15 for the offence under Section 302/34 of the
I.P.C.

Learned Senior counsel for the petitioners submits
that the present case has been lodged only to deprive petitioner
no.1 from her valid right as the daughter-in-law of the family. It is
further submitted that prior to lodging of the present case the
petitioner no.1 had lodged an F.I.R. bearing Hilsa P.S.Case
No.320/15 against the four named accused persons. In the F.I.R. it

has been clearly stated that at the time of the occurrence her father-in-law and mother-in-law were not present in the house when the accused persons attacked and killed her husband. It is further submitted that soon thereafter they had locked her up in a room and also surreptitiously cremated the dead body without any post mortem of the deceased.

So far as petitioner no.1 is concerned, the allegation against her and petitioner no.2 is of illicit relationship and it is alleged that they might have connived in killing the deceased. Charge sheet in the present case has been submitted indicating the case to be a mistake of law, on the premise that earlier petitioner no.1 had already filed a case regarding the murder of her husband in which investigation was being conducted.

The case diary in the present case which called for has since been received. After perusal of the certain paragraphs of the case diary, save and except the conjecture and surmises, there is no cogent material in the case diary to connect the petitioner no.1 with the present case.

Learned counsel for the informant, however, submits that the petitioners have connived to kill the son of the informant and there is no dispute whatsoever between himself and the other accused persons of the case filed by the present petitioner no.1.

However, keeping in view all the facts and

circumstances and that there being no cogent material in the case diary save and except suspicion and assumption regarding killing of the petitioners, let the petitioners, above named, in the event of their arrest or surrender before the court below within four weeks from today be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of A.C.J.M.,Hilsa, Nalanda , in Hilsa P.S. Case No.381/15 subject to the conditions as laid down under Section 438 (2) of Cr.P.C.

(Anjana Mishra, J)

AnilKrSinha/-

U		T	
---	--	---	--