

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32988 of 2016

Arising Out of PS.Case No. -141 Year- 2016 Thana -RAJIVNAGAR District- PATNA

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1. Sujay Bihari Ambastha, Son of Late Saket Bihari Ambastha.
2. Suman Sinha, Wife of Shri Sujay Bihari Ambastha
Both are permanent resident of Muhallah- Purab Sarai, P.S.- Kotwali,
District- Munger, At present resident of O-21, ,Phase-1, Ashiyana, Nagar,
P.S.- Rajeev Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Smt. Sudha Ambastha

For the Opposite Party/s Smt. Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 05.08.2016 Supplementary affidavit is filed on behalf of the petitioners.

Let it be kept on record.

Heard learned counsel for the petitioners as well as learned
Addl. Public Prosecutor for the State.

Petitioners seek bail in a case registered under sections 302,
376, 201/34 of the Indian Penal Code.

Admittedly, deceased was working as maid servant in the
house of the petitioners and in the evening of 5.7.2016, informant got
message that deceased met with an accident and when she came at the
house of the petitioners, she found dead body of the deceased lying in
the house of the petitioners but the informant lodged the present case
on 6.7.2016 and claimed that petitioner no.1 used to tease the
deceased for sexual lust whereas petitioner no.2 used to humiliate her.



Submission on behalf of the petitioners is that post mortem of the corpus of the deceased was done but opinion regarding cause of death was not given and only on the basis of FSL report a suspicion has been raised against the petitioners. It is further submitted that, as a matter of fact, deceased was under acute depression as she had stolen some money and when petitioners warned her for the above stated act, she committed suicide. It is further submitted that deceased was deserted lady and she was suffering under mental pressure since long. It is further submitted that moreover, petitioners are government employees and there is no chance of their absconding.

Learned Addl. Public Prosecutor opposes the prayer for bail pointing out that FSL report creates doubt about story of suicide.

Admittedly, up till now, prosecution could not, prima facie, establish cause of death of the deceased.

No doubt, deceased died within four walls of the house of the petitioners but it appears to me that only suspicion has been raised against the petitioners. It is also admitted position that none has seen the actual killing of the deceased. Moreover, it is also admitted position that informant got message about death of her daughter but in spite of that she gave written report on 6.7.2016 and the aforesaid delay has not been explained properly in the written report. Moreover, there appears to be some interpolations on the formal FIR also.

It is also admitted position that the present case is based on circumstantial evidence and the Investigating officer has already collected circumstances which are appearing in this case and the Investigating officer does not need the presence of petitioners for

interrogation because up till now, Investigating officer has not filed any petition before the trial court for police custody of petitioners.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioners 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 Ms. K. Anjali, Judicial Magistrate, Ist Class, Patna/ concerned court in Rajiv Nagar P.S. Case no. 141/2016.

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(Hemant Kumar Srivastava,J)

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