

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37861 of 2016

Arising Out of PS.Case No. -482 Year- 2015 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

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Bal Krishna Das, Son of late Abadh Bihari Das, Resident of Village- Masti Fatehpur, P.S. Muffasil, District Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate
Mr. Vijay Anand, Advocate
For the Informant : Mr. Manoj Kumar, Advocate
For the Opposite Party : Mr.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 27-10-2016 Heard learned counsel for the petitioner, learned counsel for the informant as well as learned counsel representing the State.

The petitioner seeks bail in connection with Muffasil (Lakho) P.S Case No. 482 of 2015 registered for the offences punishable under Sections 364/302/34 of the Indian Penal Code.

Allegedly, the petitioner being the husband of Abhilasha Devi @ Asha Devi and she being the second wife was brought at Bishanpur house at Begusarai and thereafter brought at Masti Fatehpur house and then the petitioner returned and gave mobile of the mother of the informant after breaking the same to her sister and stated that her mother has become traceless and she

is being searched, thereafter during investigation at first her head was found and thereafter headless dead body was found and which were identified as of Abhilash Devi @ Asha Devi and it is alleged that the petitioner and other under criminal conspiracy killed her and threw the dead body after cutting in two pieces.

Submission is of false implication and that besides suspicion and there is nothing against the petitioner, earlier Complaint Case No. 13969 of 2014 was filed in the Court of C.J.M., Begusarai. The husband of the deceased Garib Mahto has took the house of the petitioner on rent with an intention to grab the property, they did not pay the rent for which legal notice was sent to Garib Mahto and on that notice they came along with other persons and assaulted the petitioner and his son for which that Complaint Case was lodged and this case has been lodged to put pressure upon the petitioner to compromise the aforesaid case. The story of the second marriage is baseless and, as such, the petitioner deserves sympathetic consideration.

Learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the petitioner called her for *panchayati* and earlier also *panchayati* was held, but son and son-in-law of the petitioner did not obey the terms of *panchayati* and on plea of *panchayati*, the petitioner

brought the deceased and killed her. The petitioner has confessed his guilt.

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 petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Begusarai, in connection with Muffasil (Lakho) P.S. Case No. 482 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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