

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43803 of 2016

Arising Out of PS.Case No. -417 Year- 2016 Thana -BHABHUA District- BHABHUA (KAIMUR)

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1. Ram Bachan Mali, S/o Late Ram Dhyan Mali, resident of Village- Palka,
P.S.- Bhabua, District- Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar -Advocate

For the Opposite Party/s : Mr. Sri Narendra Kumar Singh-A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

02 06-10-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor.

Informant, mother of deceased had alleged that her daughter Seema Devi, who was married with Vinod Mali in the Year 2009, was murdered at her sasural on account of non-fulfilment of demand of dowry. She along with her son and nephew on being informed by a co-villager of her daughter came to the place of her daughter where she found lying in her room having some sort of sign over her neck. Subsequently, it has been incorporated that when she began to call her co-villager, then her son-in-law, Samdhi and Samdhin indulged with her and further, got the dead body of her daughter burnt forcibly.

Petitioner is the father in-law. Husband is under



custody as has been submitted on behalf of petitioner. It has further been submitted that whole case happens to be out of revenge as well as personal vendetta in the background of fact that as per column-5 of the formal F.I.R., P.O. is five kilometer away from the P.S. Informant along with her son and nephew were present. She was even calling her co-villager at that very moment, where there happens to be an allegation that petitioner along with others indulged with them and then, forcibly took away dead body and put under fire. Had there been such kind of occurrence then it was expected at the end of informant or her son or her nephew to rush to the P.S. to inform the police officials, who on being informed, might have come to the P.O. and in likewise manner, had there been such kind of activities, the prosecution would not have allowed the accused persons to remove the dead body. Furthermore, the whole incident would not have occurred in quick succession, on account of which it smacks some foul play.

On the other hand, Learned Additional Public Prosecutor opposed the prayer and submitted that petitioner, being father in-law of deceased, was also accountable for commission of the murder of deceased as well as for disposal of dead body of deceased.

Considering the status of the petitioner to be that of

father in-law in consonance with the improbably coming out from the written report. Petitioner, **Ram Bachan Mali** is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Bhabua P. S. Case no.417 of 2016.

(Aditya Kumar Trivedi, J)

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