

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48374 of 2015

Arising Out of PS.Case No. -5 Year- 2014 Thana -SAKARI District- MADHUBANI

- =====
1. Urmila Devi wife of late Satto Sah
 2. Indrajeet Kumar Son of late Satto Sah
- Resident of Village- Shivottar Tola P.S. Sakari District Madhubani.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Gagan Deo Yadav, Advocate
For the State : Mr. S.D.Singh Yadav, APP
For the Informant : Mr. Ravindra Kumar Singh, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

3 13-04-2016 Heard learned counsel for the petitioners, the State
and the Informant.

The petitioners apprehend their arrest in a case registered
for offences punishable under Sections 302/34 of the Indian Penal
Code.

Informant is father of the deceased who was
married to the son of the petitioner no. 1, who later on died in an
accident. As per allegation when the son of the deceased Akash
Kumar returned from his coaching institute, he saw his mother
hanging from the fan in her room. He called upon his grandmother
and younger uncle and then she was removed therefrom and her
body was put on the bed. Further allegation in F.I.R. is that the



petitioners along with one Harichandra Sah, who happens to be the uncle of petitioner no. 2 and one Irshad @ Raju were all along used to abuse the deceased. There is specific allegation upon Irshad @ Raju that he used to threaten her cell-phone. The allegation is that all of them connived and killed the deceased. During the course of investigation, the statements of the son and daughter have been recorded and both have said that the petitioners along with others used to torture the deceased.

Learned counsel for the petitioners submits that it has come during the course of investigation that there was illicit relation between Irshad @ Raju and the deceased and the informant himself in his further statement has stated that on the fateful day also, the aforesaid Irshad @ Raju had threatened her. It is further stated that apart from suspicion raised by certain persons or the probabilities, no material could be collected during the course of investigation connecting the petitioners directly or indirectly to the death of deceased. Learned counsel for the petitioners submits that the deceased has committed suicide and the petitioners have falsely been implicated in this case.

Learned counsel for the informant has submitted that it is clear from the statement of the son and the daughter of the deceased as well as the informant that the petitioners also used

to torture the deceased on account of certain dispute regarding property. Learned counsel for the informant further submits that so far Irshad @ Raju and Harichandra Sah are concerned, they have been exonerated by the police.

Having regard to the aforesaid facts and circumstances this Court is not inclined to grant the privilege of anticipatory bail to petitioner no. 2, Indrajeet Kumar, and, accordingly, his prayer for anticipatory bail is rejected.

However, in the facts and circumstances, petitioner no. 1, Urmila Devi, being a lady of old age, this court would be inclined to grant privilege of anticipatory bail to her and accordingly let petitioner no. 1, Urmila Devi be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Sakari P.S. Case No. 05/2014 on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Madhubani subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

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