

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24457 of 2016

Arising Out of PS.Case No. -86 Year- 2014 Thana -KAHAIYA District- MUZAFFARPUR

- =====
1. Somari Devi wife of Rajendra Mahto @ Batahu Mahto
 2. Surendra Mahto, son of Rajendra Mahto @ Batahu Mahto
- Both are resident of village- Gopalpur, P.S.- Kathaiya, District-
Muzaffarpur

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance:

For the Petitioners : Mr. Yugal Kishore, Advocate.

For the Opposite Party : Mr. Md. A.Haque Sahara, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 09-08-2016 Heard both sides.

The petitioners apprehend their arrest in Kathaiya
P. S. Case No. 86 of 2014 registered under Sections 302/34 of the
Indian Penal Code.

The informant alleged that her son Munna Kumar
was missing from last three days. Her son used to go to the house
of Rajendra Mahto. The informant went to the house of Rajendra
Mahto and heard sound of talking of her son inside the house of
the Rajendra Mahto. The informant enquired from Rajendra
Mahto and others and on such, the petitioners and other co-
accused assaulted the informant and the informant became
unconscious. When she got consciousness, she saw that the dead

bodies of her son and Laxmi Devi were hanging. The accused persons killed her son and Laxmi Devi.

It is submitted by learned counsel for the petitioners that the petitioners are innocent and they have committed no offence. The petitioners are mother-in-law and brother-in-law of the deceased, Laxmi Devi. The petitioners are closed relatives of Jogendra Mahto, the husband of the informant. During the course of investigation, the independent witnesses, namely, Ramchandra Mahto and Hiranman Mahto, stated in Para 39 and 40 of the case diary that Munna Kuamr had illicit relationship with Laxmi Devi and they were found in compromising position and that is why they locked the door from inside and committed suicide.

But from the perusal of the case diary as well as post-mortem report, it appears that the witnesses had supported the case of the informant and post-mortem report shows that the deceased were strangled to death before hanging.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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