

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52760 of 2015

Arising Out of PS.Case No. -108 Year- 2015 Thana -PAKRIDAYAL
District- EAST CHAMPARAN(MOTIHARI)

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1. Pramod Kumar Srivastava @ Pramod Prasad Srivastava son of Late Ganesh Prasad Srivastava,
2. Pushpa Devi @ Pushpa Verma wife of Pramod Kumar Srivastava @ Pramod Prasad Srivastava,
3. Ashish Kumar @ Sonu, son of Pramod Kumar Srivastava @ Pramod Prasad Srivastava,
4. Shiku @ Kumari Anshumala, daughter of Pramod Kumar Srivastava @ Pramod Prasad Srivastava,
All Residents of Mohalla- Bada Bariyarpur, P.S.- Chhatauni, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Abhishek Kumar, Advocate
For the State : Mr. Umeshanand Pandit(APP)
For the Informant : Mr. Ajay Kumar Singh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 06-05-2016 Heard learned counsel for the petitioners and the learned counsel for the informant as well as the learned counsel appearing on behalf of the State.

The petitioners, being the members of the same family, are apprehending their arrest in connection with Pakarideyal P.S. Case No.108 of 2015 for allegedly having committed the offences under Sections 342, 328, 420, 405, 120B, 302/34 of the Indian Penal Code.



Learned counsel for the petitioners submits that the entire case against these petitioners is based on speculation and suspicion. It is submitted that the deceased Jasbir Singh had been living in the house of Petitioner No.1 and it is alleged that he had developed illicit relation with Petitioner No.2-Pushpa Devi (wife of Petitioner No.1). It is further submitted that the allegation is that Petitioner No.2 had taken a huge amount of money from the deceased in lieu of half share in her house, but when she failed to hand over the house or even repay and when the petitioner started demanding return of the same, Petitioner No.2 and her family started conspiring. It is on account of such conspiracy that the petitioners, being the accused persons in this case, have been allegedly implicated for having committed the murder of Jasbir Singh.

Case diary in the present case was called for, which has since been received.

Learned counsel for the informant submits that the deceased was strangled and thrown into the river and on recovery of the dead bodies, the son of Petitioner No.1, namely, Ashish Kumar @ Sonu (Petitioner No.3) came and took away keys, ATM and PAN card and other papers and it is

the entire family, who is responsible for the murder of the deceased persons.

Learned counsel appearing on behalf of the State after perusal of the case diary submits that save and except the allegation, no further material has surfaced in the case diary so as to implicate the petitioners. He further submits that the post-mortem report clearly indicates that it is a case of drowning. He has further drawn the attention of this Court to the fact that a U.D. case was registered immediately after the occurrence by the uncle of the deceased. However, the present informant has filed a complaint case after a lapse of eight days, for which no plausible explanation has been offered by her.

Considering all the facts and circumstances of the case and that there is no cogent material in the case diary and also that the petitioners are not having criminal antecedents, let all the four petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional

Judicial Magistrate, Sadar, East Champaran at Motihari, in connection with Pakarideyal P.S. Case No.108 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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