

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57742 of 2015

Arising Out of PS.Case No. -111 Year- 2015 Thana -VIDYAPATINAGAR District- SAMASTIPUR

- =====
1. Shiv Shankar Sah Son of Balkeshwar Sah
 2. Balkeshwar Sah son of Late Dilchand Sah Both are resident of Village-Harpur Bochhaha, P.s Vidyapatinagar, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Amit Kumar Rakesh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 26-02-2016 Heard learned counsel for the petitioners and learned
A.P.P. representing the State.

The petitioners seek bail in connection with
Vidyapatinagar P.S. Case No. 111 of 2015 registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code.

Meera Devi the daughter of the informant was
married 17 years ago to Mohan Sah the son of petitioner no.2 and
all the accused persons named in the FIR including the petitioners
assaulted Meera Devi, and thereafter hanged her.

Submission is of false implication and that there is no
specific allegation against the petitioners, medical evidence does

not support the prosecution version, co-accused Sangita Devi has been allowed bail by another co-ordinate Bench of this Court and the petitioners are suffering in custody since 2.8.2015. The learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the daughter of the deceased has stated during investigation that the petitioners and others co-accused assaulted her mother and thereafter hanged her. During post mortem, ligature mark all around neck between the thyroid and lower part of neck has been found and further bruise over nose region was also found and cause of death has been ascertained due to asphyxia caused by strangulation. Prayer of bail of Chandra kala Devi, the mother in-law has already been rejected.

In the facts and circumstances stated above, considering the statement of Kumkum Kumari vide para 9 of the case diary and further the post mortem report at this stage this Court is not inclined to enlarge the petitioners on bail and accordingly, their such prayer stands rejected.

However, the petitioners may renew their prayer for bail after one year of judicial custody.

(Jitendra Mohan Sharma, J)

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