

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9011 of 2016

Arising Out of PS.Case No. -6 Year- 2016 Thana -RAMGARH District- BHABHUA (KAIMUR)

- =====
1. Shyama Devi, Wife of Jagdamba Sah,
 2. Mantosh Sah, Son of Jagdamba Sah, Both are Resident of Village- Taraitha, P.S.- Ramgarh, District- Kaimur (Bhabhua).

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Kumar Sunil, Advocate

For the Opposite Party/s : Mr. Yogendra Kr.Singh(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 12-05-2016 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

Petitioners apprehend their arrest in connection with Ramgarh P.S. Case No. 06 of 2016 for the offence punishable under Section 302/34 of the Indian Penal Code.

The Prosecution case is that the informant's three years daughter was playing near his home, but after some time she was found missing, searched her and also informed the police, next day her dead body was found floating in the well of the village and the distance of the said well from the village is about one kilometer, earlier also such occurrence was committed with the informant family and the petitioners are suspected in this killing and they are threatening the informant.



It has been submitted by the learned counsel for the petitioners that they are innocent having no criminal history and the allegation upon them is only on the basis of suspicion and of earlier incident in the relation of the informant for which no case was instituted against these petitioners and that was also on the basis of suspicion and now the petitioners have been implicated in this case. It has further been submitted that post mortem report says that the occurrence is approx 48 hours, the death is about 48 hours ago, but from the prosecution version it is only 8 hours from the time of death and no apparent injury has been found on the body of the deceased. He further submits that the petitioners being co-villagers have been named due to dirty village politics. He further submits that there is no eye-witness to the alleged occurrence and the petitioners were not present near the place of occurrence.

However, learned counsel for the informant submits that the petitioners are named in the First Information Report and the incident of such type earlier occurred with the relative of the informant and hence the petitioners being anti social elements have committed the said offence.

However, the learned APP for the State submits that in the supervision note also there is suspicion against the

petitioners, hence, opposes the prayer for bail.

Under such circumstances, since there is no eye-witness and merely on the basis of suspicion, the petitioners have been made accused, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur (Bhabhua) in connection with Ramgarh P.S. Case No. 06 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

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