

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.38263 of 2016**

Arising Out of PS.Case No. -162 Year- 2016 Thana -BIHARSHARIF District- NALANDA  
(BIHARSHARIFF)

=====

1. Ashok Tanti @ Ashok Kumar Tanti Son of Late Yadu Tanti, Resident of  
Village- Amber Srisatal, P.S.- Bihar, District- Nalanda.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Rana Vikram Singh

For the Opposite Party/s : Mr. Sri Dinesh Singh

=====

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**  
**JHA**

ORAL ORDER

3      21-11-2016                      Heard both sides.

The petitioner seeks bail in Bihar P.S. case No. 162  
of 2016 under Section 302 and other Sections of the Indian Penal  
Code.

The informant, mother of the deceased, alleged that  
she went to the house of her daughter when she could not be able  
to contact her daughter and found the petitioner and seven others  
sitting on the roof. They disclosed that her daughter was inside the  
room. The informant saw her daughter lying on the bed. She was  
dead. The accused persons stopped the informant from informing  
the police and they took away the dead body of deceased and  
concealed the same in a maize field.



Mr. Ansul, the learned counsel for the petitioner, submits that petitioner is uncle of the husband of deceased. He is living separately and he has no manner of concern with the family affairs of the deceased. The deceased was married one and half year ago with Anandi Tanti. The post mortem report shows that the deceased was strangled to death. The informant did not make any specific allegation of demand of dowry or torture. There is no material to show that the petitioner participated in the murder of deceased. Even in post mortem report only ligature mark was found.

On the other hand, the learned counsel for the informant as well as the learned Additional Public Prosecutor, vehemently, opposed the prayer for bail and submitted that informant and other witnesses have stated that petitioner also took away the dead body of deceased and concealed the same in a maize field. The Dy. S.P. found that the mobile of the deceased was broken into pieces and she was intentionally killed by all the members of the family.

Having considered the facts that the petitioner is uncle of the husband of the deceased, no allegation of assault is made against the petitioner and if the petitioner participated in taking away the dead body of deceased, at best, an offence under Section

201 of the IPC is made out against the petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in Bihar P.S. Case No. 162 of 2016.

**(Prabhat Kumar Jha, J)**

BKS/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|