

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42073 of 2017

Arising Out of PS.Case No. -243 Year- 2016 Thana -KESARIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Shakuntala Devi @ Sanju Devi wife of Sunil Kumar Pandit.
2. Pradip Pandit son of Chalitar Pandit Both are Resident of Village-Subaiya, P.S.- Kesariya, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Sri Ajay Kumar Jha

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

ORAL ORDER

3 21-12-2017 Heard both sides.

The petitioners apprehend their arrest in Kesariya P.S. case No. 243 of 2016 under Section 302/34 of the Indian Penal Code.

The informant alleged that his brother and wife went to his matrimonial house on 14.09.2016 but on 15.09.2016 the informant came to know that dead body of his brother was found in a canal. The informant and others saw the dead body and found ligature mark all along his neck.

The learned counsel for the petitioners submits that petitioners are brother-in-law (sala) and wife of brother-in-law. No specific allegation is made against the petitioners. The deceased



was under depression and he himself committed suicide. Similarly situated other accused persons have been granted regular bail vide order passed in Cr. Misc. No. 16578 of 2017 and some of the other accused persons have been granted regular bail by learned Additional Sessions Judge, Motihari. The petitioner No.1 is a lady but after perusal of the case diary, it appears that the deceased was strangled to death and his dead body was found far away from his matrimonial house. Had the deceased committed suicide his dead body would have been inside the house.

Considering the nature of allegation made against the petitioners, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

If the petitioners surrender in the court below, the learned court below shall consider the prayer for regular bail of the petitioners taking into consideration that similarly situated other accused persons have already been granted regular bail.

(Prabhat Kumar Jha, J)

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