

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47535 of 2016

Arising Out of PS.Case No. -110 Year- 2016 Thana -LAURIYA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Swarup Sah, son of Late Kanchan Sah
 2. Radhe Shyam Sah S/o Maman Sah @ Baban Sah, Both Resident of Village- Phulwaria, P.S.- Lauriya, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary

For the Opposite Party/s : Mr. Sri Arbind Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 19-01-2017 Heard the learned counsel for the petitioners as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Lauriya P.S. Case No. 110 of 2016 for the offences punishable under sections 304 (B) and 201/34 of the I.P.C.

Asha Devi, the daughter of the informant, was married to Jitan Sah about ten years ago and thereafter the husband and other in-laws including the petitioners started demanding motorcycle and cow and due to non fulfillment they killed her by burning and made the dead body traceless. During investigation the dead body was recovered and the postmortem was also done.

Submission is of false implication, petitioner no.1 is



uncle-in-law and petitioner no.2 is Bhaisur of the deceased, they are living separately since long having no concern with the deceased and her husband, in the postmortem report cause of death was found due to drowning and no sign of burn injury was found, the petitioners have got no concern with the family affairs of the deceased and her husband and as such they deserve sympathetic consideration.

The learned A.P.P. opposes prayer for bail by submitting that the investigating officer has found sign of burning and accordingly inquest report was prepared and further Gauri Shankar Sah in his confessional statement has stated that the burnt body was thrown in the canal while she was still alive.

In the facts and circumstances as stated above, considering the submissions of the parties and further that there is no specific allegation against them, they, in case of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall 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. C.J.M. Bettiah, West Champaran in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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