

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 23271 of 2017**

Arising Out of PS.Case No. -108 Year- 2016 Thana -BIRPUR District- BEGUSARAI

- =====
1. Mausam Kumari, D/o Sri Bimal Jha.
  2. Ajeet Jha S/o Sri Bimal Jha.
  3. Chandan Jha S/o Sri Bimal Jha
- All R/o Village- Baraipura, P.S.- Birpur, District- Begusarai.

.... .... Petitioner/s

Versus

The State of Bihar.

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

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**Appearance :**

For the Petitioner/s : Mr. Ravindra Kumar, Advocate  
For the State : Mr. Bharat Bhushan, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date: 06-07-2017**

Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

2. The petitioners apprehend arrest in Birpur P.S. Case  
No. 108 of 2016 dated 21.11.2016 instituted under Sections 304B/34  
of the Indian Penal Code.

3. The allegation against the petitioners and five other  
family members is of causing death by hanging their sister-in-law  
(brother's wife), within about three and a half years of marriage.

4. Learned counsel for the petitioners submitted that  
they are younger brothers and sister of the husband of the deceased  
and have no role in the death of their sister-in-law. It was submitted  
that just because they are family members, they have been made



accused which is the normal trend these days. Learned counsel submitted that both the inquest and the post mortem report does not disclose any injury on any part of the body except for lacerated mark on the neck indicating death due to asphyxia caused by hanging. Learned counsel submitted that from the same, it is clear that there was no scuffle or participation of all the family members and moreover, the husband of the deceased i.e., the brother of the petitioners surrendered on 21.12.2016 and is in custody. Learned counsel submitted that the petitioners are young and innocent and even if there may have been some dispute, it is primarily the husband and the elders who are responsible and they have no role in the same. Learned counsel submitted that the informant and his family members were informed of the death at night itself and only the next day, the body was taken for cremation when the false case has been lodged by the informant.

5. Learned A.P.P., upon going through the case diary, does not dispute the fact the except for the mark of hanging on the neck, no other injury has been found either external or internal on the deceased.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from



today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Begusarai in Birpur P.S. Case No. 108 of 2016, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

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