

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.834 of 2017

Arising Out of PS.Case No. -51 Year- 2016 Thana -JHAJHA District- JAMUI

- =====
1. Mukesh Sah, Son of Sri Latalu Sah
 2. Radhiya Devi Wife of Sri Latalu Sah, Both Resident of Village- Balio,
P.S. Jhajha, District- Jamui.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Prakash Mahto, Advocate

For the Opposite Party : Mr. Smt. Anita Kumari (APP)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 30-01-2017 Heard learned counsel for the petitioners, learned
counsel for the informant and also learned counsel for the State.

The petitioners apprehend their arrest in connection
with Jhajha P.S. Case No. 51 of 2016, registered for the offences
punishable under Sections 302/201 of the Indian Penal Code.

Allegedly, Hiran Devi, sister of the informant was
married with Munna Sah the son of petitioner no.2 and out of the
wedlock there is a four years son. Munna Sah was the only earning
member of family and he used to give love and affection to his
wife Hiran Devi which was not liked by the petitioners and other
co-accused and they used to torture her resulting, Munna Sah was
living with his wife in the house of Karu Sah, but inspite of that
the petitioners and other used to torture her and thereafter the



petitioners and other co-accused strangled her to death and hanged her.

Submission is of false implication and that during investigation it has come that the deceased committed suicide by herself and the information was given by her husband to the informant and others. The husband and father-in-law had already been allowed regular bail and, as such, the petitioners deserve sympathetic consideration as they are Dewar and mother-in-law. As during investigation, the allegations have not been substantiated and it has come specifically that the deceased committed suicide. Charge sheet has been submitted under Section 306 of the Indian Penal Code. The deceased and her husband were living separately from the petitioners in the house of Karu Sah and this fact is mentioned in the F.I.R. itself.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of pre-arrest bail by submitting that against the petitioners also there is specific allegation for torturing her.

In the facts and circumstances as stated above, considering that during investigation the allegations as made in the F.I.R. have not been substantiated and chargesheet has been submitted under Section 306 of the Indian Penal Code and, as



such, the petitioners in the event 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 learned S.D.J.M., Jamui, in connection with Jhajha P.S. Case No. 51 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

Rajiv/-

U		T	
---	--	---	--

