

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.29028 of 2017**

Arising Out of PS.Case No. -66 Year- 2016 Thana –Ishipur Barahat District- BHAGALPUR

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1. Tuntun Mishra, Son of Late Bal Govind Mishra,  
2. Gita Devi @ Deepa Devi, W/o Sri Tuntun Mishra,  
3. Rupa Devi @ Kimmi Kumari D/o Tuntun Mishra, W/o Late Nitesh Ray  
All are R/o Village- Narhi Diyara, P.S.- Sahebganj, District- Sahebganj  
(Jharkhand).

.... .... Petitioner/s

Versus

The State of Bihar

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

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**Appearance :**

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate

For the State : Mr. Bhanu Pratap Singh, APP

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

**ORAL JUDGMENT**

**Date: 17-08-2017**

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

2. The petitioners apprehend arrest in connection with  
Ishipur Barahat P.S. Case No. 66 of 2016 dated 02.07.2016  
instituted under Sections 302/34 of the Indian Penal Code.

3. The allegation against the petitioners and two others is  
of being party to the death of the son of the informant.

4. Learned counsel for the petitioners submitted that they



are the father-in-law, mother-in-law and wife of the deceased and there is absolutely no reason for them to have killed the deceased. Learned counsel submitted that the deceased used to over indulge due to which, at night he fell in the well, leading to his death. It was submitted that had there been any intention to kill, he would not have been killed in the house of another son-in-law of petitioners no. 1 and 2. It was further submitted that only four witnesses have stated before the police that they had, by chance, been at the place of occurrence in a Scorpio vehicle and upon light of the car, another co-accused and his brother, who were standing near the well, had run away and all the four witnesses were sitting in the same car. It was submitted that the same is no evidence against them, as even if it is believed that the other co-accused had run away, it would not mean that the petitioners were involved in any foul play. Learned counsel drew the attention of the Court to order dated 07.07.2017, by which a co-ordinate Bench of this Court in Cr. Misc. No. 27444 of 2017 has granted anticipatory bail to co-accused Bholi Devi, who is the daughter of petitioners no. 1 and 2. It was further submitted that the Court below has rejected the prayer for anticipatory bail only on the ground that the case has been committed to sessions.

5. Learned A.P.P., upon going through the case diary, could not controvert the fact that except for the said four witnesses,



who were together on the same Scorpio vehicle, nobody else has stated anything against the petitioners and further, of there being no other witnesses and also no allegation of any overt act.

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 Chief Judicial Magistrate, Bhagalpur in Ishipur Barahat P.S. Case No. 66 of 2016, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The petitioners shall cooperate in the trial. Failure to do so shall lead to cancellation of their bail bonds.

**(Ahsanuddin Amanullah, J)**

Anjani/-

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