

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37214 of 2018

Arising Out of PS.Case No. -332 Year- 2018 Thana -
BHABHUA District- BHABHUA (KAIMUR)

- =====
1. Hewanta Devi, W/o Upendra Bind,
 2. Jeera Kunwar @ Jeera Kuwar W/o Late Nagina Bind @
Late Ram Nagina Bind, Both are R/o Vill.- Gorahan, P.S.-
Bhabua, District- Kaimur.
 3. Dinesh Bind S/o Babu Lal Bind, R/o Vill.- Saraiya, P.S.-
Belaon, District- Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

- 3 19-07-2018 The petitioners seek bail in anticipation of their arrest
in connection with Bhabua P.S. Case No. 332 of 2018 dated
08.05.2018 instituted for the offences under Sections
302/201 of the Indian Penal Code.

The father of the deceased has alleged that after the
marriage of his daughter with one Dhurihar Bind, he
developed illicit relationship with petitioner No. 1 and when
the informant wanted to intercede with the husband of the
deceased, he was assaulted. Later, the deceased was killed
and the dead body was cremated stealthily.

Mr. Krishna Prasad Singh, learned senior advocate has



argued that the reason for falsely implicating the petitioners is the earlier dispute/ill treatment which was meted out to the informant at the hands of his son-in-law. There is no direct evidence of killing the deceased. That apart, the allegation of illicit relationship between the petitioner No. 1 and the husband of the deceased is also denied. It has further been submitted that the informant was roughed up because of the wild allegations which he levelled against the petitioner No. 1 and the husband of the deceased. This behaviour of the family members of the petitioners festered in the mind and heart of the informant who has taken advantage of the death of the deceased to falsely implicate the petitioners and avenge the old anger.

One of the independent persons of the area has testified to the fact that after the death of the deceased, she was cremated with full dignity at Varanasi.

The petitioner No. 1 is the sister-in-law whereas petitioner No. 2 is the mother-in-law of the deceased. Petitioner No. 3 is an outsider and is the husband of one of the daughters of petitioner No. 2.

There is no allegation of any demand of dowry or torture of the deceased. The nature of evidence collected by the investigation is absolutely scanty and on such deficient materials, the petitioners cannot be sent to the custody.



Considering the aforestated facts, the petitioners above named, in the event of their arrest or surrender before learned Court below within a period of four weeks from today, are directed to be released on anticipatory 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 Chief Judicial Magistrate, Kaimur at Bhabua in connection with Bhabua P.S. Case No. 332 of 2018, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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