

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49198 of 2017

Arising Out of PS.Case No. -78 Year- 2016 Thana -SAHPUR District- BHOJPUR

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1. Shatrughan Rai @ Bhuali son of Radha Krishna Rai (Husband), resident of Shivpur, P.S. Shahpur, and District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Opposite Party/s : Mr. Smt Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 04-01-2018

Heard the counsels for the parties.

The petitioner seeks bail in connection with Shahpur P.S. Case No. 78/2016 dated 21.03.2016 instituted for the offences under Sections 302, 201 and 34 of the Indian Penal Code.

The petitioner is the husband of the deceased. The father of the deceased has lodged the F.I.R. alleging that on 20.03.2016, he was informed on the telephone that the deceased was unwell and thereafter, the phone line got disconnected. When the informant and other members of his family reached the matrimonial home of the deceased, the door of the house was found locked. It was learnt by him through the villagers that the deceased was being pressurized for withdrawing money from Bank for the purchase of a harvester. The deceased had been



refusing to withdraw the money as the money had been deposited for the purposes of marriage of the daughter of the petitioner and the deceased. The informant claims to have learnt that for the aforesaid act of the deceased, viz. not withdrawing the money for the purchase of a harvester, she was done to death by the petitioner and other family members.

Learned counsel for the petitioner has submitted that the deceased was married to the petitioner about 20 years ago and from the wedlock, there are four children; out of whom one daughter is of marriageable age.

Learned counsel for the petitioner has also drawn the attention of this Court to the joint Bank account of the petitioner and the deceased, in which there was only Rs. 21,000/-. It has been submitted that from the joint Bank account, money could have been withdrawn by either of the account holders and it was not necessary for the deceased to consent for withdrawal of the money.

Learned counsel for the petitioner has further stated that even the children of the deceased were not supporting the prosecution version, but for reasons unknown to the petitioner, their statements have not been recorded by the investigating agency. The deceased had suffered colic pain and before she could



be administered regular treatment, she died. It has been submitted that it does not appear to be plausible that the deceased would be done to death for not providing money for the purchase of harvester when she remained in matrimonial relationship with the petitioner for about 20 years and has given birth to four children, one of whom is of marriageable age.

Taking into account the fact that other co-accused of this case have been granted bail by a Bench of this Court by order dated 08.11.2016 passed in Cr. Misc. No. 35584/2016 and that the petitioner is in custody since 11.07.2017, this Court is inclined to grant bail to him.

The petitioner above named is directed to be released on bail on his furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate XIV, Bhojpur in connection with Shahpur P.S. Case No. 78/2016.

(Ashutosh Kumar, J.)

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