

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27158 of 2018

Arising Out of PS. Case No.-154 Year-2017 Thana- BHAGWANPUR District- Bhabhua
(Kaimur)

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1. Surendra Singh @ Surnedra Singh, Son of Late Doma Singh
 2. Kanchan Devi, Wife of Surendra Singh, Both Resident of Village-Kochari, P.S.-Bhagwanpur, District-Kaimur at Bhabua.

... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey Adv.

For the Opposite Party/s : Mr. Murlidhar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-05-2018

Heard learned counsels for the petitioners and State.

The petitioners bring the brother and brothers wife of the husband of the victim are apprehending arrest in a case registered for the offences punishable under Section 302/201/34 of the IPC.

The prosecution case, as per the written report of Murah Singh dated 18.10.2017 submitted before the Station House Officer, Bhagwanpur Police Station, is to the effect that the informant performed marriage of his daughter, Sima Kumari with co-accused Satendra Singh in the year 2004. Subsequently, the daughter of the informant was blessed with four children, but the in-laws family of the victim used to assault her. On 17/18.10.2017 at 1 A.M. the daughter of the informant contacted



them through telephone that she is being assaulted. On the next morning at 6 A.M., the informant went to the in-laws house of his daughter, but there he did not find his daughter or her in-laws. On inquiry, the informant came to know that the daughter of the informant has been poisoned to death and the accused persons have taken the dead body for disposal.

It is submitted by the learned counsel for the petitioners that admittedly the informant is not the eye witness of the occurrence. It is also submitted that the thrust of accusation is against husband of the victim. However, the accusation against the petitioners is that they supported the victim's husband and participated in disposal of the dead body, hence, at best the case is made out under Section 201 of the IPC against the petitioners, which is a bailable offence. The petitioners claim to be separate from the husband of the victim.

Learned APP submits that the petitioners are named in the FIR.

Considering the fact that as per own admission of the informant, he is not the eye witness to the occurrence, no one is named in the FIR who have seen the occurrence and thrust of accusation being against the husband of the victim, let the above named petitioners be released on anticipatory bail in the event of



arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Bhagwanpur P.S. Case No. 154 of 2017 subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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