

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33886 of 2018

Arising Out of PS. Case No.-5 Year-2018 Thana- KAUAKOL District- Nawada

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1. Dinesh Ray,
 2. Deep Narayan Ray, Both sons of Late Yogendra Rai
 3. Asha Devi, Wife of Dinesh Rai, All resident of Village- Marai Chowk, P.S.- Hazipur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh

For the Opposite Party/s : Mr. Sri Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 09-07-2018 A supplementary affidavit has been filed on behalf of the petitioner during the course of argument.

Learned advocate appearing for the opposite party also files his counter affidavit.

Let them be taken on record.

Heard the learned counsel for the petitioners and the State.

The petitioners seek bail in anticipation of their arrest in connection with Kauwa Kole P.S. Case No. 05 of 2018 dated 06.01.2018 instituted for the offence under Section 306/34 of the Indian Penal Code.

The daughter of the informant, while staying with him, committed suicide. Sometimes before, the husband of the deceased had suffered a brain



hemorrhage leading to his death. It was suspected by the informant that because of the petitioners, who are brothers and sister-in-law of the husband of the deceased, not parting with the share of the joint family property in favour of the husband of the deceased, he used to remain in perpetual mental stress, leading to his death. However, no criminal case was lodged on his death as the death was not homicidal.

After the suicide by the daughter of the informant, a new story has been brought about by the informant alleging that while the deceased was making attempts to commit suicide, she got her statement recorded and also prepared a video, which later fell in the hands of the informant. The video describes that the deceased was threatened by the petitioners of dire consequences if she ever attempted to come to her matrimonial home.

Learned counsel for the petitioners has submitted that this is an absolute incorrect statement and there is no proof of the fact that such video was made at the instance of the deceased. Prior to the death of the husband of the deceased, the entire family property had been partitioned by a decree passed by Lok Adalat and pursuant to the aforesaid decision, the property has been partitioned by metes and bounds and



whatever has fallen in the share of the husband of the deceased, shall devolve on the daughter of the deceased on her attaining majority. The petitioners, it has been submitted that, are not in possession of anyone of the property papers and have got no concern at all with the portion of the family property which has fallen in the share of the husband of the deceased.

Learned counsel for the petitioners has also informed this Court that the petitioners had been cooperating with the husband of the deceased and with the deceased also. However, because of the death of the daughter of the informant and snapping of family ties, this case has been lodged by the father of the deceased.

The property which has fallen in the share of the husband of the deceased shall not be interfered with by the petitioners. The informant also shall not sell off the aforesaid property till the majority of the daughter of the deceased.

In case the property is attempted to be alienated by either the petitioners or the informant, the other side would be entitled to bring this matter to the notice of the court.

However, considering the aforesaid facts, the petitioners above named are directed to be released on bail, in the event of their arrest or surrender before the



court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate Vith, Nawada in connection with Kauwa Kole P.S. Case No. 05 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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