

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1039 of 2018

Arising Out of PS.Case No. -464 Year- 2017 Thana -KISHANGANJ District- KISANGANJ

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1. Rita Ghosh @ Sangita Ghosh, Wife of Dilip Ghosh,
2. Kavita Ghosh, Wife of Surjit Ghosh alias Banti @ Surojit Kr. Ghosh
3. Surjit Ghosh alias Banti @ Surojit Kr. Ghosh, Son of Late Dilip Ghosh,
All are resident of village-Ruidhasha, Ward No.- 24, P.S. and District-
Kishanganj.

.... Petitioners

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 19-01-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection
with Kishanganj P.S. Case No. 464 of 2017 registered under
Sections 302 and 120B read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioners that there is no eye witness to the occurrence and
only on the basis of wild suspicion and hypothetical
presumption, the petitioners have been made accused in this



case. It is further contended that from the post mortem report itself, it would appear that it was a case of suicide and not a case of homicide and no mark of ante mortem injury was found on the person of the deceased and in the opinion of the doctor, who conducted the post mortem, the cause of death was due to asphyxia as a result of hanging. He submitted that petitioner no.1 is mother, petitioner no.2 is *Bhabhi* and petitioner no.2 is brother of the deceased and there was no motive for them to have committed the alleged offence, but as the husband of the informant committed suicide out of anger, she named the petitioners in the FIR.

Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor for the State, after going through the case diary available on the record of Cr. Misc. No.58927 of 2017, submitted that though there is no direct evidence, but the witnesses have raised suspicion against the petitioners to have committed murder of the deceased and, after killing him, they hanged on ceiling fan with a view to give the offence of murder, a colour of suicide.

I have heard learned counsel for the parties and perused the case diary.



Considering the facts and circumstances of the case, in the event of arrest or surrender in the court below within six weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in connection with Kishanganj P.S. Case No. 464 of 2017 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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