

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19728 of 2018

Arising Out of PS. Case No.-198 Year-2017 Thana- SALKHUA District- Saharsa

-
1. Pavitri Devi, W/o Lalan Yadav, R/o Village- Saini Tola, P.S.- Bakhtiyarpur, District- Saharsa.
 2. Sudhir Yadav
 3. Shambhu Yadav

Both are Sons of Late Gyanchandra Yadav, R/o Village- Bariyahi, P.S.- Bangaon, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-04-2018 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of Chaukidar, recorded by Tarun Kumar Turnesh, SHO Salkhua Police Station on 21.09.2017 at 9.30 A.M., to the effect that on 21.09.2017 at 8.30 A.M., a dead body was found in the Koshi embankment by the villagers when the informant informed the police station and reached on the spot and found the dead body of a lady aged about 22 years floating in the water, when it was suspected that the victim was killed since the stole was wrapped



around the neck of the dead body, leading to registration of FIR against the unknown. During investigation, the name of the petitioners sprang up, who are none else than the mother and the maternal uncle of the victim.

It is submitted by learned counsel for the petitioners that that victim Guriya Kumari @ Khushbu Kumari was mentally abraised and she was under medical treatment. The victim used to leave the house for a day or more and used to return of her own. The post-mortem suggests that the victim died due to Asphyxia caused by drowning. Hence, the accusation that she was being killed and the dead body was thrown gets negated by the medical report. Moreover, there is no eye witness to the occurrence. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur, learned APP for the State that during investigation the suspicion has been raised against the petitioners on the basis of circumstantial evidence.

Considering the suspicious nature of accusation based on circumstantial evidence, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be



released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-II, Saharsa, in connection with Salkhua P.S. Case No.198 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

