

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70004 of 2018

Arising Out of PS. Case No.-70 Year-2018 Thana- NAUHATTA District- Rohtas

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1. Hira Chaudhary, Son of Late Bideshi Chaudhary
 2. Shiv Kumari Devi, Wife of Hira Chaudhary Both Resident of Village-Daranagar, P.S. Nauhatta, District Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-12-2018

Heard learned counsels for the parties.

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

The prosecution case as per the written report of Binod Sao dated 8.6.2018 submitted to the SHO, Navhatta Police Station is to the effect that the informant's sister Dewanti Devi was married with Jitendra Choudhary about 14 years prior to the lodging of the present case. Subsequently, she was blessed with three children. On 7.6.2018 the informant received information through mobile that the sister of the informant has been killed by brutally assaulting her by her in-law family members. When the informant reached the house of the in-laws of his sister, he



found her dead body locked in the house and the accused persons were not there. When the lock was broken, the dead body was taken out. On enquiry being made from the children of the victim, they revealed that the victim was being assaulted and killed. Consequently, post mortem was performed.

It is submitted by learned counsel for the petitioners that the petitioner no. 1 is the elder brother of the husband of the victim whereas petitioner no. 2 is wife of petitioner no. 1. Admittedly, the victim died after 14 years of marriage and the informant is not the eye witness.

The perusal of the impugned order reflects that after going through the case diary and the postmortem report, the learned Sessions Judge has recorded that no injury has been found and cause of death has not not been ascertained, which can be ascertained only after obtaining the viscera report.

Learned APP submits that the petitioners are named in the FIR with specific accusation.

Considering the accusation of brutal assault being not corroborated by the medical report, particularly, no injury being found during post mortem and the cause of death being not ascertained, coupled with the fact that the informant is not eye witness to the occurrence, let the petitioners above named be



released on anticipatory bail in the event of arrest or surrender within 12 weeks 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 JM, Dehri (Rohtas) in connection with Nauhatta P.S. Case No.70 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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