

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55714 of 2018

Arising Out of PS.Case No. -120 Year- 2014 Thana -GOVINDGANJ District- EASTCHAMPARAN
(MOTIHARI)

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Mantu Kumar Patel @ Mantu Patel S/o Yogendra Prasad @ Yogendra Patel, R/o Vill.- Amwa Manjhar, Tola Farwa, P.S.- Bettiah Muffasil, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No. 7, Advocate.

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 09-10-2018

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Gobindganj (Malahi) P.S.

Case No. 120 of 2014 instituted for the offence under Sections 302 and 328/34 of Indian Penal Code.

The informant has lodged written report alleging therein that he performed marriage of his daughter Raj Kumari with one Anil Patel who was working in B.S.F. He died during his service. Raj Kumari Devi got Rs.30,00,000/- after death of her husband Anil Patel. Raj Kumari Devi started living with her mother-in-law Anarkali Devi. Anarkali Devi also started keeping her nephew Mantu Patel (petitioner) at her residence. Mantu Patel started visiting the house of Raj Kumari Devi regularly. The



mother-in-law Anarkali Devi told that there is debt upon Mantu and gave huge money to him, by which, he purchased two vehicles and constructed the house. The daughter of the informant demanded money, then Anarkali Devi and Mantu Patel used to abuse and assault her. There is some land in the name of daughter of informant Raj Kumari Devi. The mother-in-law Anarkali Devi wanted the daughter of informant to transfer their land in the name of her nephew. The daughter of informant have two sons and two daughters. She did not want to give money or land to Mantu Patel, for which the petitioner along with his parents and mother-in-law of the deceased namely, Anarkali Devi gave poison to the daughter of informant and killed her. The accused persons made a phone call to the informant on 15.7.2014 that his daughter is ill. The informant went to the sasural of his daughter, but she was not there. The informant learnt that she died and her dead body has been taken away by Mantu Patel (petitioner) by his vehicle for its disposal. The informant chased the vehicle in question, then Mantu Patel (petitioner) fled away leaving the vehicle.

Counsel for the petitioner submits that there is no eye witness of the case. The elder daughter of the deceased namely Manisha Kumari and Nanad of the deceased Bhagmuni Devi have stated that deceased took poison.



Learned A.P.P. has submitted that petitioner along with other accused persons had compelled the deceased to consume poison because she was not ready to execute sale deed with respect to the land in favour of the petitioner.

Case diary has been received.

The statement of elder daughter of the deceased Manisha Kumari and Nanad Bhagmuni Devi have been recorded in paragraphs-10 and 11 of the case diary wherein they have stated that deceased herself consumed poison. Both of them have stated that Mantu (petitioner) took her to Hospital by car in state of unconsciousness, but she died.

Post mortem report is available in the case diary from which it appears that various viscera have been preserved. Viscera report has been received wherein the Doctor has found present volatile poison in the contents of plastic dibba marked 'A13'.

The elder daughter of the deceased has stated in her statement before the police that she was present in the house with her mother (since deceased). Petitioner was not present at that time. Her mother had taken poison. She called her grand-mother Anarkali Devi and petitioner. She found her mother sweating.

Petitioner is in custody since 19.6.2018.



Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Gobindganj (Malahi) P.S. Case No. 120 of 2014, subject to the condition that both the bailors will be close relatives of the petitioner.

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(Sanjay Priya, J)

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