

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20640 of 2019

Arising Out of PS. Case No.-153 Year-2018 Thana- BARHIYA District- Lakhisarai

Tuntun Sao (M), aged about 38 years, Son of Late Pitamber Sao @ Preetam Sao @ Pitambar Saw, Resident of Village - Dih Dariyapur, P.S.- Barahiya, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi, Adv.

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 02-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, who is in custody since 14.01.2019, has filed this application for grant of bail in connection with Barahiya P.S. Case No. 153/2018 registered for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

As per the allegation in the FIR, it is stated by the informant that his daughter was married to the petitioner in the year 2017. On 17.08.2018, he was informed on telephone by the petitioner that his brother and other family members had killed the informant's daughter i.e. his wife and they had taken her body for disposal.



It is further stated that on receiving the information he proceeded towards Khuthadih Ganga, where he received information from the villagers that the body of his daughter had been taken by the police to the Sadar hospital for postmortem examination. The informant reached the hospital and identified the dead body of his daughter.

It is submitted by learned counsel for the petitioner that the petitioner is the husband of the deceased. It was the petitioner himself who had given information to his father-in-law about the occurrence, on the basis of which his father in law i.e. the informant lodged the instant case. The informant in course of investigation further reiterated about receiving of information from the petitioner and that the witnesses in course of investigation have stated about the deceased having committed suicide. It is finally submitted that the petitioner has no criminal antecedents and he is in custody since 14.01.2019.

The application for bail has been opposed by learned APP appearing for the State stating that the petitioner is the husband of the deceased and it was the duty of the petitioner to protect his wife.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the



case, especially the fact that it was the petitioner who himself gave information to the informant leading to the lodging of the FIR, no substantial material having transpired against the petitioner in course of the investigation, the petitioner has no criminal antecedents and he is in custody since 14.01.2019, this Court is inclined to enlarge the petitioner above named on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Barahiya P.S Case No. 153/2018.

(Partha Sarthy, J)

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