

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21203 of 2019

Arising Out of PS. Case No.-938 Year-2018 Thana- AHYAPUR District- Muzaffarpur

1. SANTOSH SAH @ SANTOSH KUMAR Son of Mahendra Sah, Resident of Village- Lahaladpur Ward No.3, P.S.- Rajepur, District- East Champaran.
2. Sandip Kumar, Son of Mahendra Sah, Resident of Village-Lahaladpur Ward No.3, P.S.-Rajepur, District-East Champaran.
3. Rinku Devi Wife of Ajay Sah, Resident of Village-Hansaur Kansar Ward No.6, P.S-Chainpur, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Prasad Singh
For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-04-2019 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 Jainath Sah submitted to the SHO, Ahiyapur Police Station is to the effect that the daughter of the informant, namely, Kishan Devi was married with the co-accused Dilip Sah in 2012 who is residing at Muzaffarpur. On 3.9.2018, in the morning, a rumour was floated that the daughter of the informant has been killed and her dead body has been disposed of.



It is submitted by learned counsel for the petitioners that the petitioners are brothers and sisters of the husband of the victim and the thrust of accusation is against the husband of the victim. It is further submitted that admittedly the informant is not the eye witness to the occurrence and the impugned order which was passed after perusing the case diary, reflects that there is no eye witness to the occurrence. It is also submitted that the victim used to reside at Muzaffarpur whereas petitioner nos. 1 and 2 used to reside in the district of East Champaran and petitioner no. 3 resides with her husband in the district of Sitamarhi. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR and after killing the informant's daughter, her dead body was disposed of surreptitiously.

Considering the fact that the materials on record suggest no eye witness to the occurrence and the fact that the thrust of accusation is against the husband of the victim, 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 CJM,
Muzaffarpur in connection with Ahiyapur P.S. Case No.938 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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