

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27405 of 2019

Arising Out of PS. Case No.-701 Year-2016 Thana- FORBESGANJ District- Araria

SHEELA DEVI Wife of Ram Bilash Sah, Resident of Village-Jogbani, Ward No.13, P.S.-Jogbani, District-Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 29998 of 2019

Arising Out of PS. Case No.-701 Year-2016 Thana- FORBESGANJ District- Araria

RAMBILASH SAH S/o Rameshwar Sah R/O Village- Jogbani, Ward No. 13, P.S.- Jogbani, Dist.- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 27405 of 2019)

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari

For the Opposite Party/s : Mr.Mohammad Sufyan, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 29998 of 2019)

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari

For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 29-07-2019 Heard learned counsel for the petitioners and learned A.P.P. for the State as well as learned counsel for the informant.

As both the aforesaid Criminal Miscellaneous have cropped up from the same P.S. case, hence aforesaid two Criminal Miscellaneous are being heard together and disposed of by this common order.



The petitioners apprehend their arrest in connection with Farbesganj (Simraha) P.S. Case No. 701 of 2016, registered for the offences punishable under Sections 302/201/34 of the Indian Penal Code.

Son of the informant is said to have been murdered by the petitioners and their family members and one unknown miscreants as the deceased was having love affairs with the daughter of the petitioners. Petitioners and others had extended threatening to the informant three days preceding to occurrence. SIM of the deceased and blood were seized from the car of the petitioner Rambilash Sah.

It is submitted by learned counsel for the petitioners that they have no concern with the aforesaid occurrence. They have been falsely implicated in this case merely on suspicion. No incriminating article has been recovered from the conscious physical possession of the petitioners. The case is based on circumstantial evidence and after completion of investigation police submitted final form in the case but learned Magistrate took cognizance against them. They have no criminal antecedent. Hence, they may be enlarged on bail.

On the other hand, learned A. P.P. for the State and learned counsel appearing on behalf of the informant opposing



the prayer for bail submitted that petitioner Rambilash Sah along with his family members have committed murder of the son of the informant over his love affair with the daughter of the petitioners and severed head was taken by the petitioner Rambilash Sah in his car along with other accused persons but on the way they met an accident due to fog and severed head of the deceased and knife used in the occurrence fell down from the car while SIM of the deceased and blood were recovered from the said car. Son of the petitioner was apprehended and in his confessional statement he has named the petitioner in the occurrence and on the basis of his confessional statement trunk of the deceased was recovered from other place. Hence, petitioners do not deserve bail.

Considering the facts and circumstances of case, as SIM of the deceased and blood were seized from the car of the petitioner Rambilash Sah which met accident and severed head of the deceased and knife used in the occurrence was also seized from vicinity of the car, I am not inclined to enlarge the petitioner Rambilash Sah on bail. The prayer for bail of the petitioner Rambilash Sah is hereby rejected.

While petitioner Sheela Devi happens to be wife of the petitioner Rambilash Sah and nothing incriminating has



been recovered from her conscious physical possession and there is nothing on record to indicate the complicity of the petitioner Sheela Devi in the occurrence barring the confessional statement of the co-accused Ravi Kumar which is not admissible in evidence against her. She happens to be lady having no criminal antecedent.

Hence, the above named petitioner Sheela Devi, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Farbesganj (Simraha) P.S. Case No.701 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the aforesaid Criminal Miscellaneous cases are disposed of.

(Prakash Chandra Jaiswal, J)

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