

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30712 of 2019**

Arising Out of PS. Case No.-41 Year-2018 Thana- TISIAUTA District-
Vaishali

- =====
1. SHIV NATH SAH, aged about 36 years, male, Son of Kunal Kishore Sah @ Munna Sah Resident of Village - Tisiauta, P.S.- Tisiauta, Dist.- Vaishali
 2. Mamta Devi, aged about 34 years, female, Wife of Shiv Nath Sah Resident of Village - Tisiauta, P.S.- Tisiauta, Dist.- Vaishali
 3. Kamal Kishore Sah @ Munna Sah, aged about 58 years, male, Son of Late Saryug Sah Resident of Village - Tisiauta, P.S.- Tisiauta, Dist.- Vaishali
 4. Shail Devi, aged about 54 years, female, Wife of Kamal Kishore Sah @ Munna Sah Resident of Village - Tisiauta, P.S.- Tisiauta, Dist.- Vaishali

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Alok Kumar Alok, Advocate.
For the Informant : Mr. Ranjit Kumar Thakur, Advocate
For the State : Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 05-08-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 302, 201/34 of the Indian Penal Code registered in connection with Tisiauta P.S. Case No. 41 of 2018.

3. It is submitted that the petitioners have been falsely implicated on mere suspicion, except which there is no objective material to connect the petitioners with the alleged occurrence. The petitioners are the brother-in-law, his wife, father-in-law and



mother-in-law of the deceased. It is submitted that the first wife of the son of the petitioner nos. 3 and 4, Shivjee Sah, had left him as he was somewhat mentally retarded. This fact was made known to the informant's side after which marriage was solemnized between Shivjee Sah and the informant's daughter. The deceased had two children in the 15 years as she was married to Shivjee Sah. It is submitted that the allegation that the petitioners wanted to grab the property of the deceased is improbable inasmuch as the property belongs to Shivjee Sah and as such there was no motive for the petitioners to the commit offence alleged. The petitioner no. 1 had filed Informatory Petition No. 2750 of 2018 before the learned Chief Judicial Magistrate, Vaishali at Hajipur on 19.07.2018 with regard to the deceased having gone missing and an apprehension was raised that the informant's side would implicate the petitioners in a false case, whereafter the present F.I.R. has been lodged. The petitioners claim clean antecedents.

4. Learned APP assisted by learned counsel for the informant opposes the petition, submitting that the body of the deceased has been recovered from the village of the petitioners. It is submitted that the petitioners have greedy eyes over the property of Shivjee Sah which would ultimately devolve upon the deceased and her children. Learned APP refers to paragraph-22 of the case diary containing the statement of Krishna Mohan Sah



to the effect that the petitioners did not heed the request of the deceased for partition of the property but continued to sell the property. He also refers to paragraph-21 of the case diary wherein the I.O. has reported that the body of the deceased which had been buried by the petitioners was recovered from the place of occurrence.

5. Having regard to the nature of accusations and the gravity of the offence alleged, this Court is not inclined to grant the privilege of anticipatory bail to the petitioners. The anticipatory bail petition stands dismissed.

(Vikash Jain, J)

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