

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41648 of 2019

Arising Out of PS. Case No.-43 Year-2019 Thana- PIRI BAZAR District- Lakhisarai

1. RUPAM SINHA Wife of Jitendra Kumar Sinha Resident of Village - Madanpur, P.S.- Kajra, District- Lakhisarai
2. Lucky Sinha D/o - Jitendra Kumar Sinha Resident of Village - Madanpur, P.S.- Kajra, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. advocate
Mr. Lakshmi Kant Sharma
For the Opposite Party/s : Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 30-09-2019 Heard both sides.

The petitioners apprehend their arrest in Piri Bazar P.S. case No. 43 of 2019 registered under Section 363, 302/34 of the IPC.

The father of the deceased, Roshan Kumar, alleged that his son left his house at 8 P.M. on 05.04.2019 to attend birthday party of a girl. He had talked with his son till 9.40 PM but thereafter mobile of his son was switched off. On the next day the informant made frantic search of his son but could not trace out his son. During the course of search the informant came to know that his son had gone to the house of Lucky Sinha with his many friends. During the course of investigation the dead body of Roshan Kumar was recovered from a well on 07.04.2019. The post mortem was done on the dead body.

The learned senior counsel for the petitioners submits that there is absolutely no evidence to show that the deceased



had gone to the house of petitioners. There was no birthday party in the house of petitioners on 05.04.2019. The police suspected the hands of petitioners on mere suspicion that petitioner No.2 talked with Roshan Kumar on 05.04.2019 at about 8.35 PM for 626 seconds. It is submitted that mobile No. 7739930472 stands in the name of cousin of petitioner No.2 and mobile No. 9123627443 belongs to the maternal uncle of the deceased. Save and except this fact nobody has seen the deceased with his friends visiting the house of petitioners and there is absolutely no circumstantial evidence save and except suspicion raised by the police.

The learned counsel for the informant however opposed the prayer for anticipatory bail of the petitioners but at the same could not be able to show any incriminating material which came during the course of investigation against the petitioners. On query, it is submitted that nobody has seen the deceased with his friends visiting the house of petitioners on 05.04.2019.

It appears that petitioners are not named in the FIR and on the basis of CDR of mobile of cousin of petitioner No.2 and mobile of matrimonial uncle of the deceased suspicion is raised against the petitioners that petitioner No.2 had long talk with the deceased on 05.04.2019 and thereafter the deceased became traceless but the CDR does not disclose location of the deceased and petitioners at 8.35 PM. There is no evidence to show the deceased had visited the house of petitioners on 05.04.2019

Considering the facts aforesaid and nature of allegation made against the petitioners and the fact that the petitioners are ladies, the petitioners, above named, in the event



of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub divisional Judicial Magistrate, Lakhisarai in connection with Piri Bazar P.S. case No. 43 of 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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