

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65117 of 2018

Arising Out of PS. Case No.-28 Year-2010 Thana- BATHNAHA District- Sitamarhi

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1. Sabita Devi, wife of Late Vijay Kumar Yadav.
 2. Sone Lal Rai, Son of Late Daroga Rai @ Thara Rai,
 3. Rakesh Rai, Son of Sone Lal Rai,
 4. Mukesh Rai, Son of Sone Lal Rai, All are resident of Village- Dalkawa, P.S.- Sonbarsa, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar, Advocate.
For the Opposite Party/s : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 29-01-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Bathnaha P.S. Case No. 28 of 2010 registered under Sections 328, 302 and 120B/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that it would appear from the F.I.R. that the petitioner, Sunita Devi, lodged the present case, i.e, Bathnaha P.S. Case No. 28 of 2010 against her step mother-in-law, Lalita Devi and her two son-in-law, namely, Dinesh Yadav and Sanjay Yadav for committing the murder of her husband, Vijay Kumar Yadav, with intention to grab the money after the death of her father-in-law. It is



further submitted that during investigation, Lalita Devi, mother-in-law of petitioner no. 1, was apprehended and remanded to jail custody, while two others were absconding and the police submitted the charge sheet against Lalita Devi on 02.06.2010, continuing the investigation against remaining two accused. After submission of charge sheet, trial against Lalita Devi has been started through Sessions Trial No. 342 of 2010 but during investigation in respect to two other accused, statement of Raju Kumar, brother-in-law of petitioner no. 1, and some other witnesses, were recorded by the police showing the suspicion having hands of the petitioners in the murder of husband of petitioner no. 1. While the police submitted the final form but on protest filed by Raju Kumar, brother-in-law of petitioner no. 1, the learned Chief Judicial Magistrate took the cognizance of the offence punishable under Sections 328, 302 and 120B of the Indian Penal Code against the petitioners.

On perusal of the case diary, it appears that after lodging Bathnaha P.S. Case No. 28 of 2010, Lalita Devi named accused was apprehended by the police and after completing the investigation, police submitted the charge sheet against Lalita Devi, continuing the investigation against rest two accused, namely, Dinesh Yadav and Sanjay Yadav due to their



absconding. Later on, it appears that statement of Raju Kumar, which was recorded on 10.02.2012, who raised suspicion against the petitioners having hands in the murder of husband of petitioner no. 1 but police submitted the final form on 18.05.2013 against rest two accused due to lack of evidence.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi, in connection with Bathnaha P.S. Case No. 28 of 2010, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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