

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69499 of 2018

Arising Out of PS. Case No.-114 Year-2018 Thana- JALALPUR District- Saran

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1. Rajdeo Nut @ Rajdeo Nat
 2. Sita Ram Nut @ Sita Ram Nat.
 3. Gul Bahar Nut @ Gul Bahar Nat. All sons of Late Kanhai Nat @ Nanhak Nat, resident of Village- Sheo Walay Mandir, Inamipur, P.S.- Jalalpur, District- Chapra Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Murari Mishra
For the Opposite Party/s : Mr.Sri Arun Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 01-02-2019 Heard learned counsels for the parties.

The petitioner no. 1 is languishing in custody since 17.9.2018 in a case registered for the offences punishable under Sections 328 and 302/34 of the I.P.C.

The prosecution case as per the Fardbeyan of Kabutari Kuer recorded by ASI Satyendra Kumar Rai of Jalalpur Police Station on 22.6.2018 at 9.30 P.M. is to the effect that the informant married her daughter namely, Suia Devi with the petitioner no. 1 about 15 years prior to the lodging of the case. The accused persons used to torture the daughter of the informant since long. On 22.6.2018, some villagers informed the informant that her daughter has been poisoned to death and



the accused persons are planning to dispose of the dead body. Thereafter, the informant reached to the in-law's house of her daughter to find the dead body of her daughter.

It is submitted by learned counsel for the petitioners that the victim died after fifteen years of marriage and at the time of death of the victim the petitioner no. 1 was not present in the house. Moreover, post mortem report does not suggest any injury on the body of the victim. It is further submitted that the informant has retracted from the initial version and has filed a petition to that effect before the learned court below.

Learned APP submits that the postmortem does not suggest any external injury except the froth coming out from the mouth of the victim. The cause of death has not been ascertained by the doctor and the viscera has been preserved.

Considering the fact that during investigation, it transpired that there is no eye witness to the fact that the victim was administered poison nor there is any resisting injury found on the dead body during autopsy, the investigation has already concluded, coupled with the period under custody, let the petitioner no. 1 above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM IX,



Saran at Chapra in connection with Jalalpur P.S. Case No. 114
of 2018.

(Dinesh Kumar Singh, J)

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