

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48000 of 2019

Arising Out of PS. Case No.-229 Year-2019 Thana- BHABHUA District- Kaimur (Bhabua)

RAJU BIND Son of Sudarshan Bind Resident of Village - Nonara, P.S.-
Bhabua, Dist.- Kaimur, Bhabhua

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Chandra Mohan Jha, Advocate.
For the State	:	Mr. Md. Ataur Rahman, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 04-12-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State as also the learned counsel for the

informant.

The petitioner seeks bail in connection with Bhabua
P.S. Case No.229 of 2019 registered under Sections 376, 302
and 328 of the Indian Penal Code.

The accusation is that Pintu Bind, the son of the
informant Bala Bind used to reside at Bombay to earn his
livelihood. In the absence of the son of the informant, the
petitioner used to visit at his house and, in that course, the
petitioner developed physical relation with Sima Devi, the wife
of Pintu Bind, the son of the informant. When the informant
made protest, then the petitioner gave threatening to implicate



him in a false case. In the morning of 28.04.2019, when the informant had gone to his field, at that time, this petitioner came at his house and accompanied his daughter-in-law Sima Devi. When the informant returned to his house, he did not find his daughter-in-law in the house. In the night, the informant received information that his daughter-in-law Sima Devi is lying in an unconscious condition near the pond at the village. Thereafter, when the attempt was being made to take the daughter-in-law of the informant for treatment, in the meantime, she regained her consciousness and disclosed that this petitioner had committed rape on her, in which she conceived pregnancy and due to that reason, the petitioner administered her poison.

Learned counsel appearing on behalf of the petitioner submits that while on the basis of the fardbeyan of the informant, the present case was lodged under Sections 376, 302 and 328 of the Indian Penal Code against the petitioner but, on investigation, the police submitted the charge-sheet under Section 306 of the Indian Penal Code, however, differing with the same, the learned court below took the cognizance of the offence against the petitioner under Section 304 of the Indian Penal Code. It would appear from the F.I.R. that no one had seen the actual killing of the deceased, the daughter-in-law of



the informant. While it is alleged in the F.I.R. that the deceased, the daughter-in-law of the informant, was unconscious and she regained consciousness for few minute and, as such, her dying declaration cannot be safely relied upon. The petitioner has no criminal antecedent and is in custody since 01.05.2019.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Kaimur at Bhabua, in connection with Bhabua P.S. Case No.229 of 2019.

(Rajendra Kumar Mishra, J)

P.S./-

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