

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55595 of 2019

Arising Out of PS. Case No.-121 Year-2019 Thana- MADANPUR District- Aurangabad

1. KAILASH THAKUR Son of Nagdeo Thakur Resident of Village - Dhobadiha, P.S.- Madanpur, District- Aurangabad
2. Birendra Thakur Son of Kailash Thakur Resident of Village - Dhobadiha, P.S.- Madanpur, District- Aurangabad
3. Sujata Devi D/O - Kailash Thakur Resident of Village - Dhobadiha, P.S.- Madanpur, District- Aurangabad
4. Sumitra Devi Wife of Awadhesh Thakur Resident of Village - Dhobadiha, P.S.- Madanpur, District- Aurangabad
5. Awadhesh Thakur Son of Late Baithu Thakur Resident of Village - Nawadih Bazar, P.S.- Chhatarpur, District- Palamu (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Om Prakash Pandey, Advocate Ms. Rupa Kumari, Advocate Mr. Satyendra Pandey, Advocate
For the Opposite Party/s	:	Mr. Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 20-11-2019 Heard the learned counsel for the petitioners and

the State.

The petitioners seek bail in anticipation of their arrest in connection with Madanpur P. S. Case No. 121 of 2019 dated 10.06.2019 instituted for the offences under Sections 302 and 201 of the Indian Penal Code.

A peculiar circumstance has been narrated in the F.I.R. by the wife of the deceased. She has stated that



preparations were being made by the family for performing *Shradh* of her mother-in-law, when the husband of the informant (deceased) was asked for his contribution for performing *Shradh*. When the deceased denied to pay on the pretext of his not being in possession of any money at that time, all the accused persons who are directly related to the deceased, are stated to have killed him by strangulating.

Mr. Pandey, learned counsel for the petitioners submits that petitioner no. 1 is the father of the deceased whereas petitioners no. 2, 3 and 4 are the brother and sisters of the deceased respectively. Petitioner no. 5 is the brother-in-law of the deceased.

There appears to be some family dispute and the cause of death is also not known. It also does not appear to be probable that such an occurrence would take place in a house where already there had been a death of the mother-in-law of the informant and preparation was being made for performing her *Shradh*.

The learned counsel for the petitioners submits that the fact of the matter is something else than what meets the



eye while reading the F.I.R.

Considering the relationship of the petitioners with the deceased and the circumstance in which the occurrence is alleged to have taken place, the anticipatory bail petition is allowed.

The petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Madanpur P. S. Case No. 121 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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