

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60457 of 2019

Arising Out of PS. Case No.-146 Year-2019 Thana- MANJHI District- Saran

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BIRENDRA SAH S/o Late Chandrama Sah R/o Village- Sabdara, P.S.-
Manjhi, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh
For the Opposite Party/s : Mr.Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 16-11-2019 Heard both sides.

The petitioner apprehends his arrest in Manjhi P.S.
Case No.146 of 2019 registered under Sections 302, 201 and 34
of the Indian Penal Code.

The informant, mother of the deceased, alleged that
she got telephonic message from her son-in-law(Nagendra Sah)
that her daughter and wife of Nagendra Sah died. Having
received the information, the informant came on 23.05.2019.
Nagendra Sah, her son-in-law, disclosed that Laxman Sah and
Birendra Sah(petitioner), Sudhan Sah and Arjun Sah set ablaze
the hut in which the wife of Nagendra Sah received burn injury
and died.

The learned counsel for the petitioner submits that
occurrence took place on 21.05.2019 and the informant came to



the house of his son-in-law on 23.05.2019. Nagendra Sah, son-in-law of the informant and husband of the deceased was present in his village but Nagendra Sah did not lodge the case. The police came and prepared the inquest report on 21.05.2019 itself. The body was sent for postmortem but the police did not register U.D. case. The petitioner is own brother of Nagendra Sah. Petitioner has been implicated at the instance of Nagendra Sah on account of some family dispute. There is no witness to the occurrence and Nagendra Sah himself is responsible for killing of his wife but in order to save his own skin, he got the case lodged by his mother-in-law.

It appears from the facts that the deceased got burn injury on 21.05.2019. The husband of the deceased was present in his house. The police also came and prepared inquest report of the deceased on 21.05.2019 but for the reasons best known to the police officer, the police did not register even U.D. case and sent the dead body for postmortem. The F.I.R. was lodged only on 24.05.2019 and thereafter the investigating officer appears to have incorporated the inquest report in the subsequent paragraph of the case diary.

Taking into consideration the facts aforesaid, let the petitioner, above named, in the event of his arrest or surrender



before the court below within a period of four weeks from the date of receipt of the order, 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 learned Chief Judicial Magistrate, Saran at Chapra in connection with Manjhi P.S. Case No.146 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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