

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72631 of 2018

Arising Out of PS. Case No.-257 Year-2018 Thana- RAJAON District- Banka

Puran Mandal @ Puran Singh S/o Bhukha Pd. Singh, resident of Village-
Padampur, Police Station- Rajoun, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

Criminal Miscellaneous No. 64577 of 2018

Arising Out of PS. Case No.-257 Year-2018 Thana- RAJAON District- Banka

Prakash Ram, S/o Late Tasu Ram, Resident of Village- Padampur, Police
Station- Rajoun, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In Criminal Miscellaneous No. 72631 of 2018)

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.Sri Kalyan Shankar

(In Criminal Miscellaneous No. 64577 of 2018)

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.Sri Ashok Kumar Singh 1

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 11-01-2019 Both the petitions arise from the same F.I.R and

hence, they have been heard together and are being

disposed off by this common order.

The petitioners seek bail in anticipation of their

arrest in connection with Rajoun P.S. Case No. 257 of 2018

dated 12.06.2018 instituted for the offences under Sections



498(A), 302/34 of the Indian Penal Code.

The father of the deceased has alleged that he had married his daughter/Baby Devi @ Pabo Devi (deceased) to one Jaldhar Tanti who worked in the house of the petitioner/Puran Mandal. The husband of his daughter always tortured her for her not having delivered any child. The daughter of the informant, before her death had told the informant that the petitioners also at times came to her house, drank with her husband and made attempt to outrage her modesty.

On the basis of the aforesaid statement made in the F.I.R, the petitioners are sought to be prosecuted in this case.

During the course of investigation, it came to light that the deceased died of strangulation. There is no evidence in the entire Police papers to suggest that the petitioners participated in the killing of the deceased or were instrumental or exhorted the husband of the deceased to kill her.

The petitioners have been made accused in this



case only because the petitioners had not thrown out the husband of the deceased from the work at his house even though he was made to know that the husband of the deceased was a wife beater. Similarly, despite petitioner/Prakash Ram being in know of the domestic dispute of the deceased, he made no efforts to intercede between the spouses.

For the absence of any allegation against the petitioners, learned counsel for the petitioners has submitted that they ought to be granted protection from arrest. Some of the witnesses, during the course of investigation have only stated that the deceased was not treated well by her husband who, after drinking used to assault her.

Considering the fact that petitioners are complete outsiders and they are not alleged to have taken any proactive part in the killing of the deceased, the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/-(ten thousands) each



with two sureties of the like amount each to the satisfaction
of learned Chief Judicial Magistrate, Banka in connection
with Rajoun P.S. Case No. 257 of 2018, subject to the
conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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