

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64450 of 2019

Arising Out of PS. Case No.-266 Year-2019 Thana- BASANTPUR District- Siwan

1. Lalita Devi, W/O Sohawan Raut Resident of Village- Gopalpur Mishra Tola, Police Station- Basantpur (Lakadi Naviganj O.P.), District- Siwan.
2. Sohawan Raut Son of Late Kripal Raut Resident of Village- Gopalpur Mishra Tola, Police Station- Basantpur (Lakadi Naviganj O.P.), District- Siwan.
3. Babita Devi W/O Pappu Raut Resident of Village- Gopalpur Mishra Tola, Police Station- Basantpur (Lakadi Naviganj O.P.), District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 24-10-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Basantpur (Lakadi Naviganj) P.S. Case no. 266 of 2019, registered under Sections 302, 328, 201 and 120(B) of the Indian Penal Code.

The accusation is that petitioner No. 1 Lalita Devi developed physical relation with Sitaram Prasad, father of the complainant-informant Munna Prasad and in that course, petitioner No.1 took cash of Rs. One lakh and also managed to get execute the sale deed of two katha land from Sitaram Prasad and she also used to take pension money from Sitaram Prasad. Later on, Sitaram Prasad was being accompanied by



petitioner No.2 Sohawan Raut, husband of petitioner No.1, at his house, where Sitaram Prasad used to stay in the night and petitioner No.3 Babita Devi used to look after Sitaram Prasad. When petitioners came to know that Sitaram Prasad has no bank balance then they removed him from there house. Thereafter, villagers made inquiry from Sitaram Prasad regarding money paid to petitioner No.1 to 3 and one Pappu Raut and villagers also advised him to take back money from petitioner Nos. 1 to 3 and Pappu Raut. The said fact was disclosed by petitioner No.1 then on 04.05.2019, under conspiracy, all the accused took Sitaram Prasad at their house on pretext of accountancy of the money given by him and tried to take his signature, but he refused to do so. Thereafter, petitioners served liquid in glass and left Sitaram Prasad outside house who fell down. Thereafter, complainant-informant and his other family members took Sitaram Prasad at bed then on inquiry, Sitaram Prasad disclosed that petitioners administered poison to him and, thereafter, Sitaram Prasad died, while complainant-informant tried to approach the Police, but his information was not taken by the Police and villagers disposed of the dead body of Sitaram Prasad.

Learned counsel for the petitioners submits that regarding the occurrence dated 04.05.2019, the informant/complainant lodged the Complaint Case No. 1052 of



2019 in the Court of Chief Judicial Magistrate, Siwan on 15.05.2019, which was sent under Section 156(3) of Cr.P.C. and on that basis, the present case has been lodged. Further submission is that, in fact, deceased Sitaram Prasad, father of informant had executed the sale deed in respect to two katha of land in favour of petitioner No.1 Lalita Devi in spite of protest of the informant due to that reason, informant lodged Complaint Case No. 1052 of 2019 after ten days taking advantage of death of his father Sitaram Prasad, which is the basis of the present case.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Siwan in connection with Basantpur (Lakadi Naviganj) P.S. Case No. 266 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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