

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73333 of 2018

Arising Out of PS. Case No.-138 Year-2018 Thana- BIHARSHARIF District- Nalanda

1. Phulo Devi, Wife of Dharmveer Paswan, Resident of Village- Samasti, P.S.- Deepnagar, District- Nalanda.
2. Kumar Paswan, Son of Madan Paswan, Resident of Village- Bandoh, P.S.- Bhagan Bigha Rahui, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra, Advocate.

For the Opposite Party/s : Mr. Sri Binod Kumar 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 04-02-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Bihar P.S. Case No. 138 of 2018 registered under Section 302/34 of the Indian Penal Code.

The allegation of informant, Jaimurti Devi, is that after death of her husband, Arbind Paswan, her marriage was performed with Bijendra Kumar of Village- Dobha Kalota, P.S. P.S. Salimpur, Patna, wherein she is residing. Out of her three children, her younger daughter, Juhi Kumari, aged about 17 years, used to reside with her brother, Dharambir Paswan and sister-in-law, Phulo Devi (petitioner no.1) in Bihar Sharif in



rented premises situated at Mohallah Dhaneshwar Ghat, while her brother, Dharambir Paswan used to do the job in police department and occasionally, her brother came at Dhaneshwar Ghat. Her daughter used to live with her sister-in-law (petitioner no.1) and she also used to visit there to see her daughter. On 05.04.2018, at about 10 A.M., her sister-in-law (petitioner no. 1) informed her that her daughter has died then she reached in Mohallah Dhaneshwar Ghat and found that rented premises was locked. On query, neighbours disclosed that dead body of her daughter, Juhi Kumari, has been carried by petitioner no. 1 in Village Samasti then she reached there and found dead body. On query, her father disclosed that the dead body was carried by Phulo Devi accompanied by Rajan Kumar Paswan and Kumar Paswan (petitioner no.2). On seeing the dead body, she found that black sign on the neck of her daughter was marked. The informant further detailed that her sister-in-law(petitioner no.1), Rajan Kumar Paswan and Kumar Paswan (petitioner no. 2) killed her daughter.

Learned counsel for the petitioners submits that petitioner no. 1 is the wife of brother of informant whereas petitioner no. 2 is the nephew of petitioner no.1 and neither in F.I.R. nor in re-statement and other witnesses have stated about



the motive of killing of the deceased, daughter of informant. It is also admitted that deceased used to reside at the rented premises with petitioner no. 1 for studying since five years and no any complaint was made regarding ill behaviour of petitioner no. 1 with the deceased, daughter of informant. In fact, since deceased was left by the informant with petitioner no. 1 for study due to that reason petitioner no. 1 always asked to deceased for proper study, perhaps she was not studying properly, due to that reason she committed suicide by hanging. The witnesses have been examined during investigation, which would appear from the case diary from paragraphs 27 to 38, to this effect that they have stated similar facts as stated above. In postmortem examination, single legature mark around the neck below chin right side of neck and cervical region over back and half left side of neck were found, which clearly indicates about suicide. Further submission is that petitioner no. 2 is the nephew of petitioner no.1, who was called at that time to carry the dead body of deceased at home.

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 six weeks from today, on furnishing bail bond



of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nalanda at Biharsharif, in connection with Bihar P.S. Case No. 138 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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