

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18704 of 2020

Arising Out of PS. Case No.-59 Year-2019 Thana- BASNAHI District- Saharsa

1. Soman Mukhiya, son of Late Jhameli Mukhiya
2. Raniya Devi Raniyan Devi, wife of Soman Mukhiya
Both resident of Village-Guari,P.S. Basnahi, District Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha

For the Opposite Party/s : Mr. Binod Kumar No. 3

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 09-09-2020 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor representing the State, through
Video Conferencing.

The petitioners seek regular bail in connection with
Basnahi Police Station Case No. 59 of 2019, registered for the
offence punishable under Sections 302/201/34 of the Indian
Penal Code.

The allegation against the petitioners, who are father-
in-law and mother-in-law of the deceased, as per the First
Information Report lodged by the mother of the deceased, is that
the informant's daughter was married with the son of the
petitioners about 8-10 years ago and gave birth to three
daughters. It has further been alleged that the daughter of the



informant withdrew a sum of Rs. 10,000/- on 13.06.2019 from the bank, which was sent by the son of the petitioners and the petitioners pressurized the informant's daughter to give that money to them, but the deceased refused to give it to them. It has further been alleged that later on, both the petitioners strangled the daughter of the informant and tried to dispose of her body.

Learned Counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged inasmuch as the petitioners are the father-in-law and mother-in-law of the deceased and the deceased was living separately from her in-laws along with her children; whereas the husband of the deceased was working outside the village in Punjab. He further submits that no cogent evidence has come against the petitioners in course of investigation inasmuch as in the post mortem report, the doctor has not disclosed about the cause of death. He also submits that the petitioners are in custody since 01.12.2019 and 03.12.2019 respectively and charge sheet has already been submitted against them and there is no likelihood of the petitioners being absconding or tampering with the evidence.

On the other hand, learned Additional Public



Prosecutor vehemently opposes the prayer for bail and submits that the informant has reiterated the prosecution story mentioned in the First Information Report and other witnesses have also supported the prosecution case.

After having heard learned Counsel for the parties and taking into consideration the materials available on record, I am inclined to grant regular bail to the petitioners **after framing of charge against them.**

This application is allowed.

Accordingly, let the petitioners, above named, be released on bail, **after framing of charge against them**, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Saharsa, in connection with Basnahi Police Station Case No. 59 of 2019.

This is subject to the condition that the petitioners shall present themselves before the Court, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding



lockdown and social distancing.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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