

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22164 of 2020

Arising Out of PS. Case No.-130 Year-2019 Thana- DAGARUA District- Purnia

1. Nakshatra Rishi (M), aged about 50 years, Son of Feku Rishi, Resident of Village - Mahthour, P.S.- Dagarua, Distt.- Purnea.
2. Folo Devi @ Polo Devi (F), aged about 25 years, Daughter of Nakshatra Rishi, Resident of Village - Mahthour, P.S.- Dagarua, Distt.- Purnea.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Raj Kumar, Advocate.

For the Opposite Party : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 19-10-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in a case for the offence registered under Sections 302 and 201/34 of the I.P.C.

The prosecution story, in brief, is that the marriage of



the informant's son Subhash Rishi was performed with the daughter of Nakshatra Rishi (petitioner no. 1), namely, Polo Devi (petitioner no. 2). Polo Devi started living in her *Sasural* alongwith her husband. At about 10 days ago, his *Samadhi* Nakshatra Rishi came to his house and taken her daughter and son-in-law as *Bidai* to his village-Mahthour. On 29.07.2019 at about 6.00 P.M., the informant has got information that his son Subhash Rishi has died in his *Sasural* and postmortem has been done by Dagarua P.S. thereafter dead body was taken by his *Samadhi* and kept at his house. The informant claims that the petitioners might have killed his son.

It has been submitted by learned counsel for the petitioners that the petitioners are in custody since 31.12.2019. The petitioners have got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The names of the petitioners have come in the present case merely on the basis of suspicion. Except for suspicion, there is no other substantive evidence to suggest the implication of the petitioners in the present case. The witnesses, in course of investigation, have said that the deceased is said to have died due to suicide.



No offence under Section 302 of the I.P.C. is made out in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the facts and circumstances of the case, the petitioners above named, are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Purnea in connection with CIS No. 69 of 2019.

(Sudhir Singh, J)

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