

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27661 of 2020

Arising Out of PS. Case No.-123 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

1. MUNNA SAH S/o Khobhari Sah Resident of Village-Barej, P.S.-Mohania, District-Kaimur at Bhabua.
2. Sangita Devi W/o Munna Sah Resident of Village-Barej, P.S.-Mohania, District-Kaimur at Bhabua.
3. Arti Devi W/o Pramod Jaiswal Resident of Village-Barej, P.S.-Mohania, District-Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan
For the Opposite Party/s : Mr. Murlidhar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 21-12-2020 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

Heard counsel for the petitioners, counsel for the informant as well as counsel for the State.

The petitioners seek bail in Mohania P.S. Case No. 123 of 2020, registered for the offence punishable under Sections 302, 201 and 34 of the Indian Penal Code.

As per prosecution case, the informant was living at her Naihar due to delivery. On 09.02.2020, the husband of informant returned from Punjab to his village Barej. It is alleged



that on 20.04.2020 at 10.00 pm she got information from his relatives that her husband died. On 21.04.2020, she reached at her sasural, but she did not find the dead body of her husband. It is suspected that these petitioners with the help of other family members killed her husband and cremated the dead body with the help of agnates.

It is submitted that petitioner no. 1 is own brother of deceased and petitioner no. 2 and 3 are Bhabhi. Petitioners have been made accused in this case merely on suspicion. The police after investigation submitted charge sheet under Section 306, 353, 201/34 IPC. It is further submitted that father of the deceased was examined and in para 26 of the case diary he has stated that deceased has committed suicide. Petitioners are in custody since 22.04.2020 having no criminal antecedent.

Counsel for the State however vehemently opposed the bail application and submitted that in para 20 of the case diary doubt has been expressed about the intention of the petitioners as without giving information to the informant side, the dead body was disposed of.

Considering the facts and circumstances of the case, the petitioners above-named, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) each with



two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Mohania P.S. Case No. 123 of 2020, subject to following conditions:-

(i) The petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

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