

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67132 of 2019

Arising Out of PS. Case No.-162 Year-2019 Thana- BALIYA District- Begusarai

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1. Dhanik Sah, Son of Late Punai Sah, Resident of Village - Kasba Daiyara, P.S.- Ballia, District- Begusarai
 2. Sanjeev Sah @ Sanjeev Kumar, Son of Dhanik Sah Resident of Village - Kasba Daiyara, P.S.- Ballia, District- Begusarai

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1- Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd.-A.P.P.

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

3 18-06-2020 Heard learned counsel appearing for the petitioners as well as learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners apprehend their arrest in connection with Ballia P. S. Case No.162 of 2019 in a case registered for the offences punishable under Sections 304(B), 302, 328/34 of the I.P.C.

Petitioner no.1 happens to be father-in-law whereas petitioner no.2 happens to be younger brother-in-law of the deceased.

Although, the present case was lodged under Section 304-B of the I.P.C., but in course of investigation, the own



bhabhi of the deceased vide Para-7 of the case diary as well as other witnesses admitted that the marriage of deceased had taken place 12 years ago of the alleged occurrence. Furthermore, witnesses claimed that the deceased had illicit relation with petitioner no.2, but subsequently, petitioner solemnized his marriage with co-accused Laxmi Devi, which caused annoyance to deceased, who started quarreling with petitioner no.2 as well as his other family members and on the alleged date and time of occurrence, the deceased was badly assaulted by petitioner and other accused.

The post mortem report of deceased goes to show that some bruises and abrasions were found on her person and one fracture was also found on her face. Moreover, apart from the above stated injuries, one ligature mark was found on the person of the deceased and doctor opined that the deceased died due to asphyxia as a result of above stated injuries caused by strangulation.

Learned counsel appearing for the petitioners submits that the statements of prosecution witnesses go to show that a scuffle took place between the deceased and her in-laws in presence of husband of the deceased as deceased started quarreling with her in-laws on the point of marriage of



petitioner no.2 as well as for partition. Learned counsel for the petitioners submits that it is quite possible that the husband of the deceased might have assaulted the deceased, but so far as strangulation is concerned, the deceased after having sustained injury, might have committed suicide. He further points that own bhabhi of the deceased admitted that information regarding the death of the deceased was given to her by the petitioners as well as their other family members.

Learned Additional Public Prosecutor opposed the prayer submitting that so many injuries were found on the person of the deceased and the post mortem report goes to show that the deceased was badly assaulted and, subsequently, she was done to death by strangulation.

Considering the aforesaid facts and circumstances of the case as well as submissions of the parties and also taking note of this fact that the petitioner no.1 is aged about 66 years and no specific overt act has been attributed against him and similarly, no specific allegation of assault or strangulation has been levelled against petitioner no.2, let petitioners, in the event of their arrest/ surrender within six weeks from the date of receipt of this order to the Court concerned, shall 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
learned Chief Judicial Magistrate, Begusarai in connection with
Ballia P. S. Case No.162 of 2019, subject to conditions as laid
down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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