

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79128 of 2019

Arising Out of PS. Case No.-102 Year-2018 Thana- NAUHATTA District- Rohtas

1. Lal Bihari Uraon @ Bihari Uraon, aged about 55 years (Male), Son of Late Bolo Uraon, Resident of Village- Chanodih, P.S.- Nauhatta, District- Rohtas.
2. Jiruwa Devi @ Jirwa Devi, aged about 51 years (Female), W/o Lal Bihari Uraon @ Bihari Uraon, Resident of Village- Chanodih, P.S.- Nauhatta, District- Rohtas.
3. Akhilesh Uraon @ Aklesh Uraon, aged about 25 years (Male), S/o- Lal Bihari Uraon @ Bihari Uraon, Resident of Village- Chanodih, P.S.- Nauhatta, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vishwajeet Kumar Mishra, Advocate
For the State	:	Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 21-10-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Vishwajeet Kumar Mishra, learned counsel for the petitioners and Mr. Ganesh Prasad Singh, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Nauhatta PS Case No. 102 of 2018 dated 30.08.2018, instituted under Sections 147, 148, 341, 323, 302, 201, 427, 447, 448, 504, 506, 120B of the Indian Penal Code and 3/4 of the Prevention of Witch (Daain) Practices Act, 1999.



4. The allegation against the petitioners is that they had assaulted the mother of the informant and after killing her had hidden away the body.

5. Learned counsel for the petitioners submitted that there is absolutely no evidence to connect the petitioners to the death of the mother of the informant and only on suspicion their name has been taken. It was submitted that from the circumstances it would be clear that the case has been falsely instituted against the petitioners. Learned counsel submitted that the incident is said to have taken place on 28.08.2018 at 8:00 AM when the cousin sister of the deceased was with her. It was submitted that if at all the cousin sister had managed to save herself when the deceased was being assaulted, there is no explanation why she had not informed the relatives of the victim and no complaint was made before the police to save the victim as the allegation is that she was being brutally assaulted by the accused. Learned counsel submitted that the cousin sister of the deceased, who is the maternal aunt of the informant, had also informed the sister of the informant, who is the daughter of the victim, but even she had neither informed the police nor taken any steps to locate the mother. Learned counsel submitted that even the husband being alive, there was no complaint if the victim was missing and only



after two days an FIR is lodged. Learned counsel submitted that in the FIR itself it is stated that the petitioners had come to the house of the informant on 29.08.2018 and had destroyed various articles calling the mother of the informant to be a witch but still there being no complaint lodged with the police with regard to this incident also, demonstrates that no such incident took place. Learned counsel submitted that the body was recovered in the afternoon of 30.08.2018 and the postmortem was conducted in the morning of 31.08.2018 and because the body was in a bad condition, the doctor has opined that death took place 4-6 days prior to the postmortem, which clearly shows that the death had occurred on 27.08.2018 itself, that is, prior to the date on which the allegation is that the mother of the informant went missing. Learned counsel submitted that besides that there is no other witness or material to connect the petitioners to the crime. Learned counsel submitted that the petitioners have no criminal antecedent.

6. Learned APP, from the case dairy, submitted that the informant is sister and father and also that the maternal aunt who was accompanying the deceased had supported the prosecution story. However, he could not controvert the fact that there is no explanation as to why the maternal aunt or other relatives had not informed the police with regard to the victim missing and also



with regard to the incident which is alleged to have taken place on 29.08.2019.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Rohtas at Sasaram in Nauhatta PS Case No. 102 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. Further (a) one of the bailors shall be a close relative of the petitioners and (b) the petitioners and the bailors shall give an undertaking and execute bond with regard to good behaviour of the petitioners. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds.

(Ahsanuddin Amanullah, J)

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