

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19702 of 2021

Arising Out of PS. Case No.-41 Year-2018 Thana- TISIAUTA District- Vaishali

Shiv Nath Sah Son Of Kamal Kishore Sah @ Munna Sah, Resident of Village
- Tisiauta, P.S.- Tisiauta, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s :	Mr. APP
For the Informant :	Mr. Ranjit Kumar Thakur

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-11-2021 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Tisiauta P.S. Case No. 41 of 2018 instituted for the offences
under Sections 302, 201 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that from
bare perusal of the allegation as alleged in the F.I.R. it would
manifest that that the informant alleges that his daughter Sheela
Devi was married to one Shivjee Sah of village Tisiauta about
15 years back and out of the marriage, a son and a daughter
were born. Further, that son-in-law of the informant was not
having sound mental health for the past some time and for that
reason his relatives were trying to usurp his share in the



property, further with the aforesaid objective the father-in-law, mother-in-law and brother-in-law of the deceased were treating her cruelly. Further, that on 13.07.2018, the grand-daughter of the informant had asked from her whether her mother had gone to her place and thus the informant inquired the matter with the in-laws about her daughter as she had not gone to the house of informant, but they denied having any knowledge of her. It is, thereafter alleged that the informant believed that her daughter has been kidnapped or eliminated by the accused persons including this petitioner.

Learned counsel for the petitioner submits that petitioner is own brother-in-law of deceased and he is separate in mess and as far as the allegation as alleged in the F.I.R. that the husband of the deceased was of unsound mind and thus his family members in order to usurp his property has done away with the life of the deceased seems to be far-fetched for the reason that out of the wedlock of the deceased, a son and a daughter were born and as such they are the natural legal heirs of their father.

Learned counsel for the petitioner further submits that the date of occurrence is 13.07.2018 and the F.I.R. has been instituted on 02.08.2018 which amply demonstrates that the



informant for some ulterior reason despite being aware of the correct fact was not coming forward and it was only when the informant realized that the dispute between the informant and the in-laws of the deceased cannot be resolved, they came to be implicated in the present false case.

Learned counsel for the informant submits that the dead body of the deceased was recovered from near the house of this petitioner packed in a bag with soil inside it.

The learned counsel for the petitioner submits that had the petitioner really been involved in the occurrence then definitely the dead body would not have been found within the vicinity of his premises and on query of the Court with regard to the date of institution of the case, the learned counsel for the informant fairly submits that for that he has no plausible explanation.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is the *devar* of the deceased and is in custody since 30.06.2020, charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like



amount each to the satisfaction of learned Chief Judicial
Magistrate, Vaishali in connection with Tisiauta P.S. Case No.
41 of 2018 subject to the condition as laid down under Section
437 (3) Cr.P.C.

(Satyavrat Verma, J)

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