

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27020 of 2020

Arising Out of PS. Case No.-270 Year-2020 Thana- MADHAURAH District- Saran

1. Awadhesh Singh Son of Late Ravinder Singh Resident of Village- Tejpurwan, P.S.- Marhaura, District- Saran at Chhapra
2. Rajiv Singh @ Rajeev Kumar Singh S/o Late Ravinder Singh Resident of Village- Tejpurwan, P.S.- Marhaura, District- Saran at Chhapra
3. Chanda Devi Wife of Awadhesh Singh Resident of Village- Tejpurwan, P.S.- Marhaura, District- Saran at Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 05-01-2021 Heard Mr. Rajesh Kumar Singh, learned counsel for the petitioner and Mr. Md. Aslam Ansari, learned APP for the State.

The petitioners seek bail in connection with Marhaura P.S. Case No. 270 of 2020 dated 05.04.2020 instituted for the offence under Sections 302, 201 and 120-B of the Indian Penal Code.

It has been alleged in the FIR that the deceased was done to death by her in-laws and the dead body was surreptitiously disposed of by throwing it in the flowing river.

It has been urged on behalf of the petitioners that they are, though, related with the deceased and her husband but for all practical purposes, they have been



staying separately. The petitioners no. 1 and 2 are the brothers of the husband of the deceased whereas the petitioner no. 3 is the wife of petitioner no. 1.

It appears from the investigation papers that the family of the petitioners is very poor. The husband of the deceased along with his two other brothers worked in Bombay to earn their livelihood whereas the deceased was left behind in the parental home.

Some of the neighbours of the deceased, when interrogated by the police, stated that the deceased had fought with petitioners no. 1 and 3 a little while ago and thereafter, they did not know whether the deceased consumed poison or was administered poison.

The fact remains, it has been argued, that the deceased was living along with the petitioners in the same house and under the same roof. Because of financial stringency, the relationship between the family members were far from cordial.

Learned counsel for the petitioners has submitted that from the investigation papers, it becomes very clear that the deceased committed suicide for some reason or the other. The police also towed the same theory of investigation and submitted charge sheet under Section 306 IPC.

The only reason to suspect the hands of the



petitioners, therefore, according to the investigation reports is that the cremation was stealthily done and the dead body was disposed of. It is precisely for this reason, it has been urged, that the cause of death remains obscure and shall continue to be so because no post-mortem has been conducted.

In any view of the matter, it can be taken into account, it has been argued on behalf of the petitioners, that the deceased was living under the same roof and there was no prior incident of any violence on her. It is for this reason that perhaps the charge sheet in the case against the petitioners have been submitted only under Section 306 IPC.

Considering this aspect of the matter and taking into account the period of custody of the petitioners, they are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chhapra in connection with Marhaura P.S. Case No. 270 of 2020.

(Ashutosh Kumar, J)

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