

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30838 of 2020

Arising Out of PS. Case No.-48 Year-2020 Thana- BIHARIGANJ District- Madhepura

1. SHAIL DEVI Wife of Ram Krishna Singh
 2. Jeevan Kumar Singh @ Jeevan Singh Son of Ramkrishna Singh
 3. Rubi Devi @ Doli Kumari Wife of Jeevan Singh @ Jeevan Kumar Singh
All resident of Village - Gamail, P.S.- Bihariganj, District - Madhepura.
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr.Pawan Kumar, Advocate
For the Opposite Party/s : Mr.B.N.Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 20-01-2021 Heard both sides.

The petitioners apprehend their arrest in Bihariganj P.S. Case No.48 of 2020 registered under Sections 302, 120B and 34 of the Indian Penal Code.

The informant is one of the sons of the deceased. The informant alleged that as usual, his mother after taking meal came to darwaza and slept in the night. At about 6.00 in the morning, he went to wake up his mother but the informant found that his mother was dead. There were injuries on neck and mouth of his mother. The informant further disclosed that the main reason for killing of his mother is that about 2 bighas land was standing in the name of his mother and his elder brother, Ram Krishna Singh was always quarreling for partition of the lands. Ramgam Singh and Subhash Singh were assisting Ram



Krishna Singh.

The learned senior counsel for the petitioners submits that informant is not an eyewitness of the occurrence. The deceased, mother of the informant, was sleeping on the darwaza of the informant and nobody has seen any person killing the deceased. It is further submitted that petitioners are wife, son and daughter-in-law of Ram Krishna Singh. Learned Additional Sessions Judge has referred paras 5, 9, 34 and 35 of the case diary. In para 5 of the case diary, the statement of the wife of the informant is recorded. In para 9, the statement of Jai Krishna Singh, one of the brothers is recorded and in para 34, statement of Chandeshwari Prasad Singh is recorded. Chandeshwari Prasad Singh disclosed that his brother, Gopal Singh informed him about the killing of mother of the informant by Ram Krishna Singh and his family members. Learned senior counsel for the petitioners further submits that neither the wife of the informant nor the brother of the informant are eye witness of the occurrence. The occurrence took place at the darwaza of the informant and not at the darwaza of the petitioners. The informant himself wanted to grab the lands standing in the name of his mother and falsely implicated the petitioners.

Learned A.P.P. however opposed the prayer for bail.



It appears from perusal of the records and the case diary that the informant only named the petitioners on mere suspicion after the death of his mother. The petitioners are none else than the wife, son and daughter-in-law of his own brother. The informant alleged that his own brother, Ram Krishna Singh was quarreling with his mother for partition of the lands standing in her name but no allegation is made against the petitioners. Even during the course of investigation, save and except suspicion, the investigating officer did not collect any tangible material to show the involvement of the petitioners.

Taking into consideration the facts aforesaid, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks be released 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 Sri Abhimanyu Kumar, learned J.M. 1st Class, Uda-Kishunganj, District-Madhepura in connection with Bihariganj P.S. Case No.48 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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