

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34792 of 2020

Arising Out of PS. Case No.-14 Year-2020 Thana- VALMIKINAGAR District- West
Champaran

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1. Chandrika Mahato @ Chandrika Prasad, (M), aged 54 years, Son of Late Harbansh Mahto, Resident of village- Semaridih, Ward No. 14, P.S.- Valmikinagar, Dist.- West Champaran.
 2. Tripuresh Mahato, (M), aged 20 years, S/o Chandrika Mahato @ Chandrika Prasad, Resident of village- Semaridih, Ward No. 14, P.S.- Valmikinagar, Dist.- West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Vijay Kr Singh No. 1, Advocate.
For the Opposite Party : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-02-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners seek bail in a case for the offence registered under Sections 302 and 201/34 of the I.P.C.

The prosecution story, in brief, is that the daughter of the informant, namely, Madhuri Kumari, fall in love with her neighbourer Chanchal Mahato. Earlier when this matter came in the light of villager as well the informant then a Panchayati was



organized and it was decided that the marriage of Madhuri Kumari and Chanchal Mahato will be solemnized after few days and the daughter of the informant started residing in the house of petitioners but they were not happy. The daughter of the informant used to say her parents that their behaviour was not good against her. She always used to visit her house. On 25.03.2020, in the night, petitioners and other family members strangled her with the help of her Dupatta and hanged her body. The informant got information from the accused persons at 8.30 A.M. in the morning on 26.03.2020 then the informant and others went there and saw her dead body was hanging in her house and no one was present at the house.

It has been submitted by learned counsel for the petitioners that the petitioners are in custody since 06.07.2020 and 13.07.2020 respectively. The petitioners have got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case merely on the basis of suspicion. Except for suspicion, there is no other substantive evidence to suggest the implication of the petitioners in the present case.



On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioners are named in the F.I.R. The dead body of the deceased has been recovered from the house of the petitioners. The petitioners were custodian of the deceased and as per Section 106 of the Evidence Act, the onus is on the petitioners to explain the cause of death of the deceased. As per the postmortem report the cause of death of the deceased is said to be 'Asphyxia' due to strangulation.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant bail to the petitioners. The same is rejected in connection with Valmiki Nagar P.S. Case No. 14/20, pending in the court of learned A.C.J.M. 4th , Bagaha, West Champaran.

Learned court below is directed to take all necessary steps to conclude the trial preferably within a period of nine months from the date of receipt/production of copy of this order.

(Sudhir Singh, J)

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