

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53832 of 2019

Arising Out of PS. Case No.-41 Year-2019 Thana- RAJAON District- Banka

1. MANJU DEVI W/o Umesh Ravi Das Resident of Village - Sujal Korama, P.S.- Rajoun, dist.- Banka.
2. Asho Das Son of Kaulu Das Resident of Village - Sujal Korama, P.S.- Rajoun, dist.- Banka.
3. Pawan Das Son of Ram Sewak Das Resident of Village - Sujal Korama, P.S.- Rajoun, dist.- Banka.
4. Pawan Das Son of Tetar Das Resident of Village - Sujal Korama, P.S.- Rajoun, dist.- Banka.
5. Bachaho Devi W/o Asho Das Resident of Village - Sujal Korama, P.S.- Rajoun, dist.- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary
For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 01-09-2021 Heard the learned counsel for the petitioners and

the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Rajoun P.S. Case No. 41/19 instituted for the offences under Sections 302 and 120(B) of the Indian Penal Code.

The accusation in the First Information Report is that the brother of the informant received information on his mobile telephone by the co-brother of the deceased that his



brother has died. The informant suspected the hands of the petitioners in killing of the deceased. It has also been alleged that the deceased did not have good relation with his in-laws and his wife and, therefore, the possibility of his having been poisoned to death cannot be ruled out.

As a result of such accusation, all the petitioners who are the wife of the deceased and her relatives have been made accused in this case. During the course of investigation, it came to light that the informant is a local Chowkidar who actually had always been fighting with the deceased and his wife. The deceased had very good relations with his wife and her other family members. The wife of the deceased had been staying in her mother's house. On the date of the death of the deceased, he had come from his paternal home and died. The post-mortem report revealed no ante-mortem injury on his body. The Viscera was preserved and was sent for chemical examination. The report of the Viscera indicates that no poisonous substance could be detected. The cause of death, therefore, remains absolutely unknown.



Learned counsel for the petitioners, therefore, submits that this is not a homicidal death. He has further drawn the attention of this Court to various entries in the case diary which indicate that the deceased was always being pressurized and harassed by his own brother (informant). On the day when the deceased had died, he had come from his paternal home and was under lots of pressure and tension because some dues were outstanding against him in the village. It has also been suggested by the learned counsel for the petitioners that the informant had an evil eye on the property of the deceased. The deceased did not have any children from the wedlock and the informant, with greedy eyes, was troubling the deceased so that he may abandon his claim over the paternal property.

Regard being had to the afore-stated facts, the petitioners, above named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each



with two sureties of the like amount each to the satisfaction
of learned Chief Judicial Magistrate, Banka, in connection
with Rajoun P.S. Case No. 41/19, subject to the condition
laid down under Section 438 (2) of the Code of Criminal
Procedure

The Court Master would re-seal the F.S.L. report
and would have it dispatched to the court below forthwith.

(Ashutosh Kumar, J)

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