

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1347 of 2020

Arising Out of PS. Case No.-487 Year-2019 Thana- LAKHISARAI District- Lakhisarai

SURENDRA KEWAT @ SULENDRA KEWAT, Son of Rewa Kewat,
Resident of Village - Neri, Ward no 18, P.S.- Lakhisarai, Distt.- Lakhisarai
... Petitioner

Versus

The State of Bihar ... Opposite Party

with

CRIMINAL MISCELLANEOUS No. 18141 of 2021

Arising Out of PS. Case No.-487 Year-2019 Thana- LAKHISARAI District- Lakhisarai

1. RANJAN DEVI @ RAJAN DEVI @ SUNITA DEVI, W/O SURENDRA KEWAT, R/o village- Neri, P.S. and Distt.- Lakhisarai
2. Rewa Kewat @ Rewat Kewat, S/o Late Yogi Kewat, R/o village- Neri,, P.S. and Distt.- Lakhisarai ... Petitioners

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 1347 of 2020)

For the Petitioner : Mr. Devendra Kumar Sinha, Sr. Adv. with
Mr. Rajesh Kumar

For the Opposite Party : Mr. Harendra Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 18141 of 2021)

For the Petitioners : Mr. Bipin Kumar, Adv.

For the Opposite Party : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

12 15-11-2021

This is an application for grant of regular bail in Crime No. 487 of 2019, registered with Lakhisarai Police Station at the instance of Chaukidar, namely, Shaligram Paswan, for offence punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code.

Heard Mr. Devendra Kumar Sinha, learned Senior Counsel, appearing for the applicant/accused (Surendra Kewat @ Sulendra Kewat, father of the deceased, Priti Kumari, (in Cr.



Misc. No. 1347 of 2020) and Mr. Bipin Kumar, appearing for the applicants/accused (Ranjan Devi @ Rajan Devi @ Sunita Devi and Rewa Kawat @ Kewat Kewat, respectively mother and grand father of the deceased, Priti Kumari, (in Cr. Misc. No. 18141 of 2021). They vehemently argued that deceased, Priti Kumari, is the daughter of the applicant/accused, Surendra Kewat, and this is a case of no evidence against all applicants/accused. The entire case of prosecution is based on circumstantial evidence and there is not a single circumstance, which could point out commission of offence as alleged against the applicants.

My attention has been drawn to the first information report of Chaukidar, Shaligram Paswan, wherein it is alleged that he heard that Priti Kumari is murdered by her relatives and her dead body is buried. Learned Senior Counsel for the applicants/accused submits that as of now investigation is completed and the charge sheet has already been filed against the applicants/accused, who are languishing in jail since long.

I have also heard the learned Prosecutor, appearing for the State. I made a pointed query to the learned Prosecutor as to what are the circumstances alleged against the applicants/accused in order to point out prima facie case of



commission of offence punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code against him. To this pointed question the learned Prosecutor says that report of viscera has been received and it is kept in sealed cover.

If it is so, then, the viscera can at the most point out that the death is due to poison. In order to make out a prima facie case in the matter based on circumstantial evidence, the prosecution is required to point out cumulative effect of all circumstances, which should go to show the sole hypothesis of guilt of the applicants/accused, in respect of the crime alleged against them. As the learned Prosecutor is not in a position to point out any circumstance, which may indicate commission of crime by the applicants/accused, who happen to be father, mother and grand father of the deceased, Priti Kumari, deserve to be released on bail, after filing of charge sheet. Hence, the order :

The applications are allowed. The applicants/accused in Crime No. 487 of 2017 registered with Lakhisarai Police Station for the offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code be released on bail on furnishing bail bonds of Rs.15,000/- (rupees fifteen thousand) each with one or two sureties of the like amount to



the satisfaction of the trial Court with the following conditions.

(i) The applicants should not extend any threat, promise of inducement to the person(s) acquainted with the facts of the accusation against them so as to dissuade him/them from disclosing such facts to the Court or to any police officer.

(ii) The applicants should cooperate the trial Court in expeditious disposal of the trial against them.

(A. M. Badar, J)

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