

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7909 of 2022

Arising Out of PS. Case No.-424 Year-2021 Thana- KORHA District- Katihar

1. Pratima Devi Wife Of Rajesh Mehta R/O Village- Rampur, P.S.- Korha, District- Katihar
2. Rakesh Mehta @ Rakesh Kumar Mehta Son Of Rajesh Mehta R/O Village- Rampur, P.S.- Korha, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Advocate

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 13-12-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Korha P.S. Case No. 424 of 2021 registered for
the alleged offences under Section 302/34 of the Indian Penal
Code.

As per prosecution case, the younger daughter of the
informant found her mother dead when she went to attend her.
She found a number of injuries on her neck. The petitioners and
the juvenile daughter of the petitioner no. 1 were made accused



with allegation that they strangled the wife of the informant to death.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Learned counsel further submits that no motive has been mentioned in the FIR regarding the cause of occurrence and it is apparent from the FIR that the informant is not an eye-witness and only on suspicion he named the petitioners. The learned counsel further submits that it is alleged that the petitioner no. 1 always used to put pressure upon the deceased to execute the sale deed of the land in her favour. But there is no land in the name of the deceased. There is no eye-witness to the occurrence as alleged. Learned counsel further submits that the informant had four daughters and one son but the son of the informant is of unsound mind. Learned counsel further submits that it is the daughter of the informant who had been taking money from the deceased. The deceased was knowing it well that her only son was of unsound mind and she always used to protest the selling of the family property by the present informant as well as by his other daughters. There is no co-villager who came forward to support the prosecution case. Learned counsel further submits that there is no specific allegation of any overt act against the



petitioners. The petitioners are living separately in the mess. The whole prosecution story is completely absurd and false. The deceased herself used to protest the activities of her daughters who were habitually demanding money from their father. The present petitioners are own daughter-in-law and grandson of the deceased, respectively and there is no motive for them to kill the deceased. The petitioners have been falsely implicated in this case under the influence of the daughters of the deceased. The petitioners were present in their houses when the police went in search of them and this shows their innocence and petitioners are in custody since 21.09.2021 and charge-sheet has been filed.

Learned APP opposes the prayer for bail made on behalf of the petitioners submitting that there is specific allegation against the petitioners and the postmortem report shows the cause of death was asphyxia due to strangulation.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material on record against the petitioners for the offence as alleged and further considering their period of custody and submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail



bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Katihar in connection with Korha P.S. Case No. 424 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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