

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31188 of 2021**

Arising Out of PS. Case No.-125 Year-2020 Thana- MALI District- Aurangabad

1. Mohan Sah @ Mohan Saw Son of Late Sukhdeo Sah Resident of Village-Charan, P.S.- Mali, District- Aurangabad (Bihar).
2. Dharmshila Devi Wife of Santsh Sah Resident of Village- Charan, P.S.- Mali, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

6 07-02-2022 Heard learned counsel for the petitioners and Shri Yogendra Kumar, learned A.P.P. for the State through virtual Court proceedings.

The petitioners seek bail in connection with Mali P.S. Case No. 125 of 2020 instituted for the offences under Sections 302 and 120(B) of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are in custody since 19.12.2020, are persons with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioners submits that informant (Manju Devi) alleges that Indrani Kumari reached her



house in the evening of 16.12.2020 and at 8.00 pm took her one year old son with her and thereafter she did not return, accordingly informant and her family members started searching the child but could not locate him and on 17.12.2020, the dead body of the child was found in a septic tank behind her house. Thus, the informant alleges that all the accused persons including the petitioners had strangled the child and thrown him in the septic tank.

Learned counsel for the petitioners submits that petitioner no. 1 is the father-in-law of the informant and petitioner no. 2 is the sister-in-law (*gotni*) of the informant. Learned counsel further submits that after the body was recovered, the same was sent for postmortem and there was no sign of strangulation and postmortem also recorded that cause of death has not been ascertained and viscera has been preserved. It is further submitted that entire allegation hinges around suspicion and further it absolutely does not stand to reason that as to why the grandfather would kill his own grandson with the aunt of the deceased. Learned counsel submits that there is no eye-witness to the occurrence and during the course of investigation it has come that the petitioner no. 1 had gifted 24 decimal of land in favour of the petitioner no. 2 which perturbed



the informant and accordingly when Indrani who is the daughter of the brother of the petitioner no. 2 took away the child and the dead body was found on the next day, the informant in anger implicated her entire family member. Learned counsel further submits that Indrani who had taken the child is in custody.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the fact that the petitioners are in custody since 19.12.2020, charge-sheet has been submitted in the case, petitioners are persons with clean antecedent, there is no eye-witness to the occurrence and the entire allegation hinges around suspicion, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Aurangabad in connection with Mali P.S. Case No. 125 of 2020.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

