

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34216 of 2021

Arising Out of PS. Case No.-147 Year-2020 Thana- CHAKAI District- Jamui

1. RADHA DEVI @ JEERA DEVI Wife of Late Jivlal Das Resident of Village - Rangniyan, P.S.- Chandramandi, District - Jamui- 811303.
2. Amin Das Son of Dahsu Das Resident of Village - Rangniyan, P.S.- Chandramandi, District - Jamui- 811303.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar

For the Opposite Party/s : Mr. Vikash Kumar, SC 11

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

4 09-03-2022 Heard learned Counsel for the petitioners and learned
Counsel for the State.

The petitioner seeks regular bail in connection with Chakai Police Station Case No. 147 of 2020, registered for the offence punishable under Sections 302/201/120-B/34 of the Indian Penal Code.

The prosecution case, as per the First Information Report lodged by the chowkidar, is that a dead body of a person was found lying on a heap of sand and in course of investigation, the name of the petitioners came in the present case.

Learned Counsel for the petitioners submits that the petitioner no. 1 is the wife of the deceased and petitioner no. 2 is the brother of the deceased. He further submits that there is no eye-witness to the alleged killing and on the basis of the



statement given by the villagers, who are hear say witnesses, that a quarrel had taken place between the petitioner no. 1 and the deceased in their home, due to which the petitioners and other co-accused persons, who are sons-in-law of the deceased, assaulted the deceased and carried him to the hospital by saying that the deceased had consumed poison. He further submits that the petitioners are in custody since 10.01.2021.

On the other hand, learned Standing Counsel for the State, referring to the case diary, submits that the statement of the villager was recorded in paragraph 50 of the case diary, in which he has stated that the petitioners along with other accused persons informed the villager that the deceased had consumed poison and they were carrying him to the hospital, but the dead body was recovered with several injury marks on the baody of the deceased, which goes to show that he was brutally assaulted by the accused persons. He further submits that the villager has disclosed the name of the petitioners and other accused persons, who assaulted the deceased, resulting in his death. He further submits hat the elder son of the deceased, who was residing in Rajasthan, was informed by his sister and uncle that his father had consumed poison and when he arrived in the village, he found that his father died due to the assault made on his body by



the accused persons, and filed an application before the police for the custody of the dead body for the purpose of cremation. Accordingly, the submission is that an adverse inference can be drawn against the petitioners and other co-accused persons that they wrongly informed the villagers and the son of the deceased regarding the cause of death.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that only suspicion and adverse inference is there against the petitioners and no prima facie material has come against them, I am inclined to grant regular bail to the petitioners.

This application is, accordingly, allowed.

Let the petitioners, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned 5th Additional Chief Judicial Magistrate, Jamui, in connection with Chakai Police Station Case No. 147 of 2020.

This is subject to the condition that the petitioners shall present themselves before the Court, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bond shall be



liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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