

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34619 of 2021

Arising Out of PS. Case No.-14 Year-2021 Thana- NARDIGANJ District- Nawada

MAMTA DEVI, w/o Vijay Kumar Resident of Village - Gotrayan, P.S. -
Nardiganj, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34245 of 2021

Arising Out of PS. Case No.-14 Year-2021 Thana- NARDIGANJ District- Nawada

VIJAY KUMAR S/O LATE JAGDISH MAHTO R/O VILLAGE
GOTRAYAN, P.S. NARDIGANJ, DISTRICT NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 36287 of 2021

Arising Out of PS. Case No.-14 Year-2021 Thana- NARDIGANJ District- Nawada

PINTU KUMAR SON OF KAPILDEV PRASAD @ KAPIL PRASAD R/O
VILLAGE- AKOUNA, P.S.- MUFFASIL, DISTRICT- NAWADA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 34619 of 2021)

For the Petitioner/s : Mr.Pramod Kumar Verma

For the Opposite Party/s : Mr.Abhay Kumar Roy

(In CRIMINAL MISCELLANEOUS No. 34245 of 2021)

For the Petitioner/s : Mr.Pramod Kumar Verma

For the Opposite Party/s : Mr. Suresh Prasad Singh

(In CRIMINAL MISCELLANEOUS No. 36287 of 2021)

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Ms. Rita Verma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 31-03-2022 Heard learned Counsel for the petitioners and learned

Additional Public Prosecutor for the State, in all the three cases.

The petitioners seek regular bail in connection with



Nardiganj Police Station Case No. 14 of 2021, registered for the offences punishable under Sections 302/201/34 of the Indian Penal Code.

The prosecution case, as per the First Information Report lodged by the daughter of the deceased, is that about three months ago, the informant had a talk with her mother on the telephone of her neighbour and she invited her mother to come on the occasion of the birth ceremony, on which the mother of the informant assured her that she would come and after three to four days, when the informant tried to talk to her mother on the said telephone of her neighbour, the neighbour told her that her mother is not traceable and the informant suspected that her sister-in-law (petitioner Mamta Devi) might have some quarrel with her mother, due to which, her mother had gone somewhere. However, on 21.01.2021, the villagers informed the informant that some foul smell was coming from the house of her mother and thereafter, with the help of the police and Magistrate, a dead body, wrapped in the cloth, was found buried in the house and the informant identified the said dead body as of his mother on the basis of cloths.

Learned Counsel for the petitioners submits that the allegation in the First Information Report is that the petitioner,



Mamta Devi, along with her husband, her father and her brother have killed the deceased and buried her dead body in the house. He further submits that insofar as the husband of the petitioner Mamta Devi is concerned, the informant has stated that her brother was living at Delhi for the purpose of earning his livelihood and from perusal of the First Information Report, it would be evident that the informant has not disclosed that the petitioner Vijay Kumar was residing in the village house along with his wife, Mamta Devi, at the time of occurrence. He further submits that during the course of investigation, the re-statement of the informant was recorded, in which she has stated that the petitioner Vijay Kumar was working at Delhi and was not present in the village at the time of occurrence. He further submits that in paragraph 15 of the case diary, the statement of the neighbour, Chotan Mahto, was recorded, in which he has categorically stated that the petitioner Mamta Devi was having some illicit relationship with petitioner Pintu Kumar and others and they used to visit the house of the petitioner Mamta Devi, which was being objected by the deceased, due to which they have killed the mother of the informant and buried her dead body in the house itself.

Learned Counsel for the petitioner Pintu Kumar



submits that the petitioner has been made accused on the basis of the confessional statement of the petitioner Mamta Devi and except the confessional statement, there is no other material to connect the petitioner with the present offence.

On the other hand, learned Additional Public Prosecutor, referring to the contents of the case diary, submits that the witnesses, during the course of investigation, have categorically stated that the petitioners, Mamta Devi and Pintu Kumar, along with others, have killed the mother of the informant and buried her dead body in the house itself and when neighbours and others felt foul smell coming out of the house, the dead body was recovered from the house, in which the petitioner Mamta Devi was residing while her husband, i.e. the petitioner Vijay Kumar, was residing and working at Delhi.

Regarding being had to the submissions advanced on behalf of the parties and taking into consideration the fact that during the course of investigation, the *prima facie* evidence has come against the petitioners, Mamta Devi and Pintu Kumar and the dead body was also recovered from the house where the petitioner Mamta Devi was residing, I am not inclined to grant regular bail to the petitioners, namely, Mamta Devi and Pintu Kumar.



Accordingly, Criminal Misc. Nos. 34619 of 2021 and 36287 of 2021 are dismissed.

However, taking into consideration the materials collected by the police during the course of investigation, I am inclined to grant regular bail to the petitioner Vijay Kumar.

Accordingly, Criminal Misc. No. 34245 of 2021 is allowed.

Let the petitioner, Vijay Kumar, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Nawada, in connection with Nardiganj Police Station Case No. 14 of 2021.

This is subject to the condition that the petitioner Vijay Kumar shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Let the trial of the petitioners be expedited at the earliest.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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