

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36779 of 2021

Arising Out of PS. Case No.-384 Year-2020 Thana- PARBATTa District- Khagaria

SANTOSH TAMOLI Son of Jawahar Tamoli Resident of Village- Bishnupur,
P.S.- Parbatta, District- KHagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Pravesh Sharma, Advocate
		Mr. Mrityunjay Kumar, Advocate
For the Opposite Party/s	:	Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 05-04-2022 Heard Mr. Ram Pravesh Sharma, learned counsel for
the petitioner and Md. Arif, learned Additional Public
Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with S.C.
No. 74 of 2021 arising out of Parbatta P.S. Case No. 384 of
2020 registered for the offences punishable under Sections 302
and 201 of the Indian Penal Code 1860.

The allegation, as per the First Information Report
lodged by the brother-in-law of the petitioner is that his sister
was married to the petitioner about 17-18 years back and on
8.10.2020 the petitioner killed the informant's sister and threw
her dead body in a pond and when the informant came for
search of his sister, the dead body was recovered near the



Ganga river kept in a bag on 12.10.2020.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and after recovery of the dead body on 12.10.2020, a First Information Report has been lodged and, thereafter, the petitioner was arrested and his confessional statement was recorded by the Police on the same day. It has been alleged by the Police that on the basis of confessional statement, *Dabia* and *Kalia* (sharp cutting weapons) have been recovered from the house of the petitioner, kept in Almirah. Learned counsel further submits that from perusal of the First Information Report it would be evident that the petitioner had given the information to the informant regarding missing of his wife and after recovery of the dead body on 12.10.2020, he has been made accused without any material inasmuch as at the time of recovery of the dead body inquest report was prepared, and from perusal of the same, it would be evident that in the inquest report an injury upon the neck as well as both hands were found, and in a confessional statement also, the petitioner has allegedly confessed before the Police that he cut both the hands of the deceased and when she became senseless, he slit the neck of his wife. However, in the postmortem report, no cut injury has



been found on both hands of the deceased. He next submits that the petitioner has five children and his eldest daughter is about 15 years old and at the time of search and seizure of alleged weapons of crime, the signature of family members of the petitioner i.e. his children and/or his father was not taken by the Police and the seized weapons have not been sent for forensic examination. He next submits that during course of investigation, the Police did not record the statement of the children of the petitioner also on the point that there was a quarrel between the petitioner and the deceased prior to the occurrence. The petitioner is in custody since 13.10.2020.

Regards being had to the submission made by the parties and taking into consideration the fact that there is discrepancy in the inquest report as well as the postmortem report and the confessional statement of the petitioner, the petitioner is in custody since 13.10.2020, charge sheet has already been submitted and there is no likelihood that the petitioner will abscond or tamper with the evidence, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to



the satisfaction of learned Additional Sessions Judge-Vth, Khagaria, in connection with Sessions Case No. 74 of 2021 arising out of Parbatta P.S. Case No. 384 of 2020 subject to the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(Anil Kumar Sinha, J)

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