

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43630 of 2021

Arising Out of PS. Case No.-20 Year-2021 Thana- CHAKAI District- Jamui

1. MULKHI DEVI @ ALKHI DEVI Wife of Antu Kol Resident of Village- Kolhadih Lakthahi, Police Station- Chakai, District- Jamui.
2. ANTU KOL Son of Late Judan Kol Resident of Village- Kolhadih Lakthahi, Police Station- Chakai, District- Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party/s : Mr.Awadhesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 29-03-2022 Heard learned counsel appearing on behalf of the petitioners and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioners seek regular bail in connection with Chakai P.S. Case No. 20 of 2021, for the offence punishable under Section 302/34 of the Indian Penal Code.

The prosecution case, in brief, is that on 04.02.2021 at about 3.00 P.M., the informant received information from matrimonial house of her daughter that her daughter is seriously ill. On receiving the said information, the informant went to the matrimonial house of her daughter, where she saw that her daughter Pratibha Kumari was lying dead on the cot and her in-



laws were found missing. The informant suspected that her daughter was killed by accused persons named in the F.I.R. by tying rope over her neck due to family dispute.

Learned counsel appearing on behalf of the petitioners submits that though the petitioners are named in the F.I.R., but no specific allegation of assault has been made against the petitioners. The cause of death is due to firearm injury. In course of investigation, no material or evidenced have been collected to support the allegation made against these petitioners. The petitioners are mother-in-law and father-in-law of the deceased. In paragraph No. 34 of the case diary it has come in course of investigation that on the basis of CDR report one co-accused Nitish Kumar has allegedly committed the murder of deceased and he has also confessed his guilt in his statement made in paragraph No. 47 of the case diary. Petitioners are old people and for no fault are in custody as an under trial. There is no allegation of tampering the evidence or influencing the witnesses and as such they deserve to be released on bail.

Learned A.P.P. for the State has, vehemently, opposed the prayer for grant of bail to the petitioners.

Considering the aforementioned facts and circumstances of the case, having perused the allegation made in



the F.I.R. as well as the materials, which have surfaced in course of investigation, prima facie, the complicity of these petitioners in the alleged murder of the deceased is not appears to be convincing. The petitioners are mother-in-law and father-in-law of the deceased. There is no allegation of either demand of dowry or any physical assault to have been committed by the petitioners. The Inquest Report is signed by the informant, who was present at the place of occurrence. In my opinion, prima facie, the petitioners above named have made out a case to be released on bail.

The petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-V, Jamui in connection with Chakai P.S. Case No.20 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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