

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42798 of 2021

Arising Out of PS. Case No.-81 Year-2020 Thana- PARBATTa District- Bhagalpur

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1. GHOLTI MANDAL Son of Late Karu Mandal Resident of Village - Gonarchak, P.S.- Parbatta, District - Bhagalpur
 2. Pankaj Kumar Son of Gholti Mandal Resident of Village - Gonarchak, P.S.- Parbatta, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-04-2022 Heard the parties.

Petitioners seek regular bail in connection with Parbatta PS Case No. 81 / 2020 registered under Sections 302 / 34 of the I.P.C.

As per the First Information Report the petitioners allegedly hanged the informant's sister after putting cloth in her mouth.

Learned counsel for the petitioners submits that petitioner no. 1 is the father of the petitioner no. 2 and the deceased is the daughter- in- law of the petitioner no. 1 and there is property dispute between the husband of the deceased and the petitioners since long. He further submits that from



perusal of the post mortem report it would be evident that cause of death is *asphyxia* due to hanging and doctor has given his opinion that it appears to be a case of hanging. Submission is that in fact the deceased has committed suicide due to some dispute with her husband and taking advantage of that situation the petitioners have been implicated in this case. He next submits that minor eye witness, who happens to be the son of the deceased, is not reliable and *prima facie* it appears that he is a tutored witness. Petitioners are in custody since 12.02.2021 and 10.01.2021 respectively. He next submits that in the supervision note Superintendent of Police has found the case true under Section 306 of the IPC but subsequently charge sheet under Section 302 / 34 of the IPC has been submitted.

Regard being had to the submissions made by the parties and taking into consideration the materials available on record, the fact that there was long standing property dispute between father and son and the post mortem of the deceased suggests death due to hanging, petitioners are in custody since 12/02/2021 and 10/01/2021 respectively, charge sheet has already been submitted, there is no likelihood that petitioners will abscond or tamper with the evidence if released on bail, as such, I am inclined to grant regular bail to the petitioners.



Let the petitioners, above named, be released on regular bail on furnishing bail bond of Rs. 10000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 3rd, Naugachia in the District Bhagalpur in connection with Parbatta PS Case No. 81 / 2020.

(Anil Kumar Sinha, J)

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