

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44862 of 2021

Arising Out of PS. Case No.-294 Year-2018 Thana- ROSERA District- Samastipur

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1. Bambam Thakur Son of Chandra Kant Thakur Resident of Village- Bharwara, P.S.- Hasanpur, District- Samastipur.
 2. Nand Lal Thakur Son of Chandra Kant Thakur Resident of Village- Bharwara, P.S.- Hasanpur, District- Samastipur.
 3. Vimla Devi Wife of Chandra Kant Thakur Resident of Village- Bharwara, P.S.- Hasanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-02-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual Court proceedings.

The petitioners seek bail in connection with Rosera P.S. Case No. 294 of 2018 instituted for the offences under Sections 302 and 201 of the Indian Penal Code and later on converted under Sections 304B, 201 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are in custody since 10.03.2021, are persons with clean antecedent and charge-sheet has been submitted in the case.



Learned counsel for the petitioners submits that informant alleges that he was informed by the S.H.O. that an unidentified body was lying in a ditch near Lalpur Chowk, accordingly informant went to the place of occurrence and found a highly decomposed body of a woman and beside the dead body saree, pillow and bed sheet etc were lying and thus the informant alleges that the offence was committed by unknown criminals.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case and they are elder brother-in-law, unmarried *devar* and mother-in-law of the deceased. Learned counsel further submits that during the course of investigation one Rahul Kumar @ Amarjeet Thakur on 10.08.2018 identified the body as of his sister, Pooja Kumari, further identified the belongings and disclosed that his brother-in-law on 07.08.2018 had called him from his mobile number 7481987473 on his mobile number 7033300381 and informed that Pooja had suffered burn injuries and is being taken to Darbhanga for treatment. Learned counsel further submits that police was not sure about the accusation of Rahul Kumar hence sent the body to DMCH of Forensic Medicine for examination but the forensic report records that cause of death



cannot be ascertained but cause of death due to intoxication and poisoning is kept reserved.

Learned counsel for the petitioners further submits that police tried to locate Lalita Devi, mother of the deceased but could not trace her. It is submitted that police was trying to locate Lalita Devi for conducting DNA as deceased father had died earlier. Learned counsel further submits that police for two years did not take any steps to arrest the accused as they were not sure about the allegation being made by the said Rahul Kumar but all of a sudden based on the supervision report of the S.P. dated 30.07.2020, the petitioners were arrested. Learned counsel thus submits that the petitioners without proper investigation have been arrested, further if what Rahul Kumar had disclosed before the police was true then why he did not institute any F.I.R. when he came to know about the occurrence on 07.08.2018 and why he did not produce his mother for getting the DNA tested. It is submitted that since the petitioners are the elder brother-in-law, *devar* and mother-in-law as such they have been roped in the present case merely because they are related to the deceased.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioners.



Considering the fact that the petitioners are in custody since 10.03.2021, charge-sheet has been submitted in the case, petitioners are persons with clean antecedent, and are elder brother-in-law, *devar* and mother-in-law of the deceased, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st, Rosera, Samastipur in connection with Rosera P.S. Case No. 294 of 2018.

(Satyavrat Verma, J)

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