

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68617 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- ISHIPUR District- Bhagalpur

1. ARCHANA DEVI Daughter of Nand Kishor Choudhary R/v- Pasahichak, P.S.- Ishipur (Barahat), District- Bhagalpur
2. NITA DEVI @ GITA DEVI Wife of Nand Kishor Choudhary R/v- Pasahichak, P.S.- Ishipur (Barahat), District- Bhagalpur
3. NAND KISHOR CHOUDHARY Son of Late Rajendra Choudhary R/v- Pasahichak, P.S.- Ishipur (Barahat), District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-12-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Ishipur
(Barahat) P.S. Case No. 45 of 2022 registered for the offence
under Section 302/120(B) of the I.P.C.

The accused/petitioners are named in the F.I.R. and
are in custody since 31.05.2022.

The allegation against the petitioners is to commit
murder of the son of informant, who is none but the husband of



Petitioner No. 1, while visiting his sasural/parental house of the wife/Petitioner No. 1.

Learned counsel appearing on behalf of the petitioners submitted that Petitioner No. 1 is the wife of the deceased, whereas Petitioner Nos. 2 and 3 are mother-in-law and father-in-law. It is further submitted that as death of the deceased occurred in village, where dead body recovered from a well, these petitioners implicated falsely in present case. It is also submitted that cause of death is '**asphyxia**' due to drowning without suggesting any external injuries, negating any physical assault soon before the occurrence. It is also pointed out that the manner in which death took place is suggesting that either death was caused due to accident or it is a case of suicide. It is also submitted that the relation of Petitioner No. 1 and deceased was not cordial since their marriage and for suspicion arises out of said non-cordial relation, petitioners were implicated falsely in present case. While concluding the argument, it has been submitted that investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned



above, and by taking note of the postmortem report, where cause of death is anti-mortem drowning in the background of fact that informant is not the eye witness of the occurrence, where petitioners are in custody since 31.05.2022 coupled with the fact that charge-sheet has been submitted, let all the petitioners, above named, are directed to be released on bail in connection with Ishipur (Barahat) P.S. Case No. 45 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Bhagalpur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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