

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15361 of 2022

Arising Out of PS. Case No.-161 Year-2021 Thana- JAMHOR District- Aurangabad

1. BRIJMOHAN MISHRA Son of Late Harinandan Mishra Resident of Village- Pipra, P.s.- Jaigodindnagar, Makhana, P.S.- Jamhor, District- Aurangabad.
2. Rina Devi W/o Brijmohan Mishra Resident of Village- Pipra, P.s.- Jaigodindnagar, Makhana, P.S.- Jamhor, District- Aurangabad.
3. Rinku Kumari W/o Late Sudhir Kumar Pathak Resident of Mohalla- Mahavir Nagar, Karma Road, Ward No.-2, P.S.- Town, District- Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyama Kant Singh, Adv.
For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY
ORAL ORDER

5 10-01-2023 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as the learned APP for the State.

The petitioners apprehend their arrest in connection with Jamhore P.S. Case No. 161 of 2021, registered for the offences punishable under Sections 302, 201, 120B, 34 of the Indian Penal Code.

Informant Santosh Kumar Pathak is uncle of deceased, Sudhir Kumar Pathak. As per FIR, deceased Sudhir Kumar Pathak went to the house of his brother-in-law (*sarhu*) petitioner No. 1. Petitioner No. 1 sent telephonic information that the deceased Sudhir Kumar Pathak was not feeling well and, thereafter, he disconnected his mobile phone. The



informant went to the hospital but the petitioner and all his family members were not there and it was detected in CCTV footage that the petitioner No. 1, one Anil Kumar along with two persons had brought the dead body of Sudhir Kumar Pathak in hospital and they fled away from the hospital after leaving the dead body.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. He has submitted that petitioner No. 1 is brother-in-law (*Sarhu*) of the deceased, petitioner No. 2 is sister-in-law (*sali*) and petitioner No. 3 is wife of the deceased. They have no concern with the occurrence. The cause of death of the petitioner is excessive consumption of alcohol. He has also submitted that the deceased was involved in cases under Excise Act i.e. Aurangabad Town P.S. Case No. 02 of 2019, in which he was imprisoned.

On the other hand, the learned counsel for the informant and the learned APP, Mr. J.N. Thakur have submitted that during investigation it has been detected that the wife of deceased was living in the house of Brijmohan Mishra which transpires, there was illicit relation between Brijmohan Mishra and wife of the deceased to which the learned counsel for the



petitioners replies that the reason of residing of wife of the deceased in the house of Brij Mohan Mishra was not that there was illicit relation, as a matter of fact, the deceased was a habitual drinker and being traumatized by the deceased, his wife, petitioner No. 2 was residing in the house of petitioner No. 1.

Considering the above-mentioned facts and circumstances, let the petitioners, in the event of their arrest or surrender within four weeks before the learned court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Aurangabad in connection with Jamhore P.S. Case No. 161 of 2021, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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