

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22659 of 2023

Arising Out of PS. Case No.-452 Year-2022 Thana- KORHA District- Katihar

1. Shankar Mahaldar Son Of Late Prithivi Mahaldar R/O Village- Madhura, P.S.- Korha, District- Katihar
2. Gauri Devi Wife Of Pawan Mahaldar, D/O Shankar Mahaldar R/O Village- Madhura, P.S.- Korha, District- Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Musowir, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the
office be removed within a period of four weeks.

03. In the present case, the petitioners seek bail in
connection with Korha P.S. Case No. 452 of 2022 registered on
14.10.2022 for the alleged offences under Sections 302/34 of the
Indian Penal Code.

04. As per prosecution case, brother of the informant
died in his in-laws's house and the informant showed his
suspicion that the in-laws of his brother killed him by
strangling him to death. The petitioners are the father-in-law



and the wife of the deceased, respectively.

05. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. They have been made accused in this case merely on suspicion as there is no eye witness to the alleged occurrence. It is evident from the FIR that there was dispute between the deceased and the petitioner No.2 and petitioner No.2 left for her parental home. The deceased went to the parental home of the petitioner No.2 for *bidai* but the petitioner No.2 refused to return and on her refusal, the deceased committed suicide by hanging himself. The postmortem report also shows cause of death was Asphyxia due to hanging and there is no evidence of any injury of strangulation on the body of the deceased. The co-accused person, namely, Meena Devi has been granted bail by a Co-ordinate Bench vide order dated 05.05.2023 passed in Criminal Misc. No. 11435 of 2023. The petitioners are in custody since 14.10.2022 and charge-sheet has been submitted. The petitioners are having clean antecedent.

06. Learned APP for the State opposes the prayer for bail.

07. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the



the distinct lack of material to connect the petitioners with the offences as alleged and further considering period of custody of the petitioners along with submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Korha P.S. Case No. 452 of 2022 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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