

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69846 of 2022

Arising Out of PS. Case No.-125 Year-2022 Thana- DUMARIAGHAT District- East
Champaran

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Safina Khatoon W/o Munna Dewan, Resident of Village- Puraina, P.S.-
Dumariyaghat, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 69824 of 2022

Arising Out of PS. Case No.-125 Year-2022 Thana- DUMARIAGHAT District- East
Champaran

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Munna Dewan S/o Late Aasim Dewan @ Aasin Dewan, resident of village-
Puraina, P.S.- Dumariyaghat, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 69846 of 2022)

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Umanath Mishra,APP

(In CRIMINAL MISCELLANEOUS No. 69824 of 2022)

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 07-04-2023 As both the criminal miscellaneous petitions have

arisen out of same P.S. case, hence they are being taken up and

decided together.

Heard learned counsel for the petitioners and the



learned APP for the State.

Petitioners seek regular bail in connection with Dumariyaghat P.S. Case No. 125 of 2022 dated 25.06.2022 registered for the offence punishable under Section 302, 34 of the Indian Penal Code.

As per the prosecution, a verbal altercation took place in between both the parties with regard to some construction work and thereafter these petitioners strangled the informant's husband (now deceased) to death.

The main submissions advanced by the learned counsel for the petitioners are that as per allegation made in the FIR both the petitioners firstly abused the deceased and thereafter pressed his mouth and neck but the said allegation does not get corroboration from the postmortem report of the deceased as medical expert's opinion does not reveal any apparent mark on the body of the deceased and the doctor concerned to the postmortem report could not form any opinion regarding the cause of death of the deceased hence he sent the viscera of the deceased for F.S.L. examination but as per the FIR there is no allegation of having poisoned the deceased and moreover as per postmortem examination no external injury suggesting the commission of the alleged



occurrence was found on the body of the deceased. Further submissions are that the investigation has been completed and both the petitioners have been chargesheeted for the offence punishable under Section 304 read with 34 of the Indian Penal Code and they have fair and clean antecedent and have been languishing in jail since 26.06.2022. Further submission is that it is clearly evident from the FIR that the alleged occurrence was not pre-planned and as per prosecution an altercation had taken place in between both the parties before the commission of the alleged occurrence.

Learned APP appearing for the State has opposed the bail prayer.

Having considered the submissions made above and also taking into account the petitioners' fair and clean antecedent and also the fact that the investigation has been completed against the petitioners and as per the postmortem report of the deceased no external injury was found on the body of the deceased while as per the allegation the petitioners pressed the neck and mouth of the deceased, in the opinion of this court, the petitioners deserve to a lenient approach of this court. Accordingly, let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with



two sureties of the like amount each to the satisfaction of the
concerned Court in connection with Dumariyaghat P.S. Case
No. 125 of 2022.

(Shailendra Singh, J)

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