

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63288 of 2024

Arising Out of PS. Case No.-215 Year-2024 Thana- ISLAMPUR District- Nalanda

1. Awadesh Kumar @ Abdhesh Kumar Mochi Son of Madheshwar Mochi @ Maheshwar Das Resident of Vill- Amnawan Tetariya, PS- Islampur, Dist. Nalanda
2. Maheshwar Das @ Maheshwar Mochi Son of Late Ramvriksh Das Resident of Vill- Amnawan Tetariya, PS- Islampur, Dist. Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-11-2024 Heard the learned Advocate for the petitioner and the learned APP for the State.

2. The petitioners seek regular bail, who are in custody in connection with Islampur P.S. Case No. 215 of 2024, registered for the offence punishable under Sections 302 and 201/34 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that the marriage of the sister of the informant was solemnized with one *Ravi Kumar Das* in the year 2006 and she was blessed with a child, aged about five years. There had always been quarrel between husband and wife. On 04.05.2024 at about 09:30 AM, the informant received an information that



his sister has died. On the aforesaid information, the informant rushed to the matrimonial house of his sister, but she came to know that the dead body of his sister had already cremated. Suspicion has been raised that all the accused persons, including the petitioners, have killed and burnt the deceased.

4. Learned Advocate for the petitioners contended that the petitioners are none else but the brother in law and father-in-law of the deceased, respectively, who have been living separately since long from the deceased and her husband. It is further contended that admittedly, the marriage was solemnized in the year 2006 and the deceased had a child, aged about five years. There is omnibus nature of allegation, based upon suspicion. Moreover, when the informant realized the fact that the deceased died on account of natural death, he also filed an application before the jurisdictional Court, that he does not want to pursue in the matter.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that there is specific allegation against the petitioner of causing death of the sister of the informant.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of



allegation and the fact that the petitioners are brother-in-law and father-in-law, who have been living separately, coupled with the fact that the investigation of the crime is complete and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds 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, Hilsa, Nalanda in connection with Islampur P.S. Case No. 215 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found



that the petitioner have concealed their criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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