

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64572 of 2024

Arising Out of PS. Case No.-100 Year-2019 Thana- RAUTARA District- Katihar

Deva Sada Son Of Mantu Sada @ Parmeshwar Sada Resident Of Village-
Sirsa Rajwara Tola, P.S.- Muffasil, District- Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 363, 366 and 34 of the Indian Penal Code.

3. The case of the prosecution is that deceased had come to the house of her elder sister where she lived for two months meanwhile, she had developed relation with co-accused Chandan Sada and this petitioner. It is further alleged that co-accused Chandan Sada and one Sobha Kumari had conversation over mobile on 29.08.2019 that the deceased went to Kheriya Bazar but she did not return. Her daughter who is aged about two and half years was also with her. Later on, the dead body was found and for that one U.D. case was lodged. The dead



body was identified by the informant and her elder daughter.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. During course of argument, it is submitted by learned counsel for the petitioner that this case is based only on the basis of suspicion. From perusal of the para-42, 43 and 44 of the case diary, it transpires that from the CDR of the alleged mobile, no data was found. Learned counsel for the petitioner also submitted that from perusal of the para-97 of the case diary, it will clear that the deceased was having relation with co-accused Chandan Sada and this petitioner. Informant of this case also stated that her marital relation was not cordial and even after the death of the informant's daughter, her husband had not come to inquire about the matter. In para-97 of the case diary, the informant has stated that the case was lodged by her but she has only put her LTI and further stated that she does not feel that any kind of indulgence is there in the alleged offence against the petitioner. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 19.05.2024.

5. Learned APP appearing for the state has opposed



the prayer of regular bail of the petitioner and submitted that in para-168 of the case diary, it has come that on inquiry police came to know that the deceased had developed relation with this petitioner as co-accused Chandan Sada was not able to maintain her properly.

6. In any view of the matter, there is nothing consistent material against this petitioner except suspicion.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case as stated above, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Rautara P.S. Case No. 100 of 2019 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Katihar.

(Ashok Kumar Pandey, J)

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