

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65631 of 2024

Arising Out of PS. Case No.-487 Year-2024 Thana- NAWADA District- Nawada

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1. Chandan Singh S/o Late Nanku Singh R/o vill - Mahulidih, P.S. and Distt. - Nawadah
 2. Puja Devi W/o Chandan Singh R/o vill - Mahulidih, P.S. and Distt. - Nawadah

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vijay Singh S/o Late Khelawan Singh R/o vill - Padriya, P.S. - Sirdalah, Distt. - Nawadah

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ray Saurabh Nath, Adv.

Mrs. Manjari Nath, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

Mr. Amrit Anunay, Adv./Mr. P.M. Sharan, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 23-01-2025 Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel for opposite party no. 2.

2. The petitioners apprehend their arrest in a
complaint case punishable for the offence under Section 302 /
34 of the Indian Penal Code.

3. The prosecution case, as disclosed in the F.I.R., is
that informant's daughter was married with co-accused Raghu
Singh 9 years ago and it is alleged that she used to be assaulted
by accused persons. It is further alleged that on suspicion that
son-in-law of informant had illicit relation with his Bhabhi
(petitioner no. 2), the daughter of informant opposed the same



and for this, she was assaulted by all the family members and finally on 20.04.2024 at about 5 (evening), the villagers informed the informant on mobile phone that his daughter has been killed by accused persons by strangulation and thereafter, she was hanged with ceiling fan.

4. Learned counsel for the petitioners submits that petitioner no. 1 is elder brother-in-law of deceased and petitioner no. 2 is wife of petitioner no. 1 and they are victim of over-implication. Petitioners are separate in mess and property and have got no concern with the family affairs of deceased and her husband. As per F.I.R. itself, informant is not eye-witness to the occurrence and only on suspicion, petitioners have been made accused. As a matter of fact, due to family feud, the deceased committed suicide. The aforesaid fact is also apparent from the fact that dead-body of deceased was recovered from a room, which was locked from inside and informant and other family members also participated in last rites of deceased. Learned counsel for the petitioners lastly submits that informant is an illiterate person and had given his thumb impression on the F.I.R. without reading and understanding the contents and to substantiate this, he filed an application before the Court below, but the same was not appreciated.



5. In this case, a counter affidavit has been filed on behalf of informant/opposite party no. 2 wherein it has been specifically stated that informant alongwith other family members visited the house of deceased and found that his daughter had committed suicide in a fit of anger, since her husband was busy in marriage arrangement in his family. It is further stated in paragraph – 6 that thumb impression of informant was obtained on a page, since he was an illiterate person and was unable to understand the contents of application and he was informed that he had filed an F.I.R. with regard to sad demise of his daughter.

6. Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of arrest/surrender within a period of eight weeks from today, be enlarged 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 learned C.J.M., Nawada in connection with Nawada Town P.S. Case No. 487 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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