

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43184 of 2014

Arising Out of PS.Case No. -76 Year- 2014 Thana -PATEPUR District- VAISHALI(HAJIPUR)

- =====
1. Jaleshwari Devi Wife of Shiv Dayal Raut
 2. Priyanka Devi Wife of Ram Ekbal Raut Both resident of Dadhua, P.S. –
Patepur, District - Vaishali

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha

For the Opposite Party/s : Mr. Zainul Abedin(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 16-04-2015 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

The petitioners, apprehending their arrest in connection with Patepur P.S. Case No. 76/2014 registered under Section 304(B), 201/34 of the Indian Penal Code, seek privilege of pre-arrest bail.

Allegedly, the sister of the informant was married with Ram Ekwal Raut and there are five children out of the bedlock but Ram Ekwal Raut arranged second marriage and started assaulting the sister of the informant and on 23.5.2014 he administered poison in the food of his sister as a result of which his sister died. Further, it is alleged that the petitioners and others administered poison and made the dead body traceless.

The submission on behalf of the petitioners is of

false implication and that in the FIR earlier the entire allegation has been alleged against the husband but later on these petitioners have also been implicated. No offence under Section 304 is made out as there is no allegation of demand of dowry. The petitioners being, mother-in-law and Soutan of the deceased having no concern with the family affairs of the deceased and her husband, deserve sympathetic consideration as the marriage was solemnized 18 years ago to which learned Additional Public Prosecutor opposes.

Considering the fact that the entire allegation earlier has been alleged against the husband and thereafter these petitioners have been added with allegation and as such, in the event of their surrender or arrest within two months from the date of receipt/production of a copy of this order, the petitioners, (1) Jaleshwari Devi and (2) Priyanka Devi, shall 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 Chief Judicial Magistrate, Vaishali at Hazipur in connection with Patepur P.S. Case No. 76 of 2014, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Jitendra Mohan Sharma, J)

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