

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3380 of 2016

Arising Out of PS.Case No. -24 Year- 2015 Thana -KIHIRI MORE District- PATNA

- =====
1. Kameshwar Yadav S/o late Harinandan Yadav
 2. Manti Devi wife of Kameshwar Yadav. Both Resident of village- Bahadurpur, P.S Khiri More, District Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 04-03-2016 Heard learned counsel for the petitioners and

learned APP for the State.

Petitioners apprehend arrest in connection with

Khiri More P.S. Case No. 24/15 for offences alleged under

Sections 304-B. 120-B/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant,

is that on 27.05.2015 at 10.00 P.M. she got information on
telephone from village Bahadurpur that her daughter Rubi Devi
and grandson Raunak Kumar were burnt to death today in the
morning itself. When she came to village Bahadurpur along with
some co-villagers she saw her daughter and grandson burnt to
death and raised suspicion on her son-in-law Mukesh Yadav, his
father Kameshwar Yadav and his mother Manti Devi. She further



alleged that her elder daughter Gudiya Devi was married with Mukesh Yadav about 10 years back and she was also killed by giving poison by the aforesaid persons about six year back but due to intervention of people she had not lodged any case and had got solemnized marriage of her second daughter Rubi Devi with Mukesh Yadav and on 27.05.2015 at 7.00 A.M. the accused persons killed her daughter and grandson.

It has been submitted by the learned counsel for the petitioners that they are father-in-law and mother-in-law of the deceased Rubi Devi, are innocent having no criminal history and are old persons. It has further been submitted that there is general and omnibus allegation against these petitioners and the cause of death cannot be attributed to the petitioners, as is evident from paragraphs 34, 35 of the case diary of the deposition of the independent witnesses. Counsel further submits that informant herself has stated on affidavit (Annexure-2) before the learned Judicial Magistrate Ist Class, Danapur that the allegations upon the petitioners have been alleged mistakenly as she was present at the time of cremation of her daughter and grandson.

However, learned APP for the State submits that the petitioners are named in the First Information Report and there is complicity of the petitioners in the death of their daughter-in-

law and grandson and opposes the prayer for bail.

Since the independent witnesses have not deposed against the petitioners and the affidavit filed by the informant stating the same, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of eight weeks from today, 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 learned Judicial Magistrate 1st Class, Danapur, Patna, in connection with Khiri More P.S. Case No. 24/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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