

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12214 of 2016

Arising Out of PS.Case No. -509 Year- 2015 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. Priyanka Devi daughter of Dhananjay Singh, Wife of Late Pintu Singh, Resident of village- Dadar, P.S.- Mohania, District- Kaimur
 2. Rinku Devi, daughter of Dhananjay Singh, wife of Ashok Singh, Resident of village- Majhui, P.S. Chainpur, District- Kaimur
 3. Sumitra Devi wife of Dhananjay Singh, Resident of village- Dadar, P.S.- Mohania, District- Kaimur
 4. Ashok Singh Son of Bharat Singh, Resident of village- Majhui, P.S.- Chainpur, District- Kaimur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shyam Bihari Singh
For the Opposite Party/s : Mr. L.K. Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 25-05-2016 Heard the counsel for the petitioners and APP for the State.

The petitioner no. 1 is the wife of the deceased. The petitioner nos. 2 and 3 are the sisters-in-law of the deceased. Petitioner no. 4 is brother-in-law of the deceased. They seek anticipatory bail in Mohania P.S. Case No. 509 of 2015, registered under Sections 302/120(B)/34 of the Indian Penal Code.

The father of the deceased lodged the case alleging that on 18.12.2015, the deceased was called and asked to come



sasural for settlement of the dispute between wife and the husband (deceased). Be it noted that earlier, the wife had lodged a case against the deceased whereas her father-in-law had also lodged a case against the deceased. Two days later the dead body of the informant's son was found deserted in the agricultural field. The informant suspected that his son was done to death in the matrimonial home. The doctor who performed the postmortem found that he died due to poison.

The counsel for the petitioners states that except the suspicion, there is nothing tangible against the petitioners. The deceased was looking for poison as has come in course of investigation and had in fact committed suicide.

Learned APP on the other hand opposed the prayer and submits that the deceased had gone to father-in-law's place whereafter his dead body was found thrown in the field and the regular bail of the father-in-law was rejected by the court below.

Considering the severity of the allegations and the materials reflecting from the record as also the fact that investigation is going on, I am not persuaded to extend the privilege of anticipatory bail to petitioner no. 1 (Priyanka Devi) and petitioner no. 4 (Ashok Singh). Their prayer for anticipatory bail on his/her behalf stands rejected.

The two remaining sisters-in-law namely, Rinku Devi, petitioner no. 2 and Sumitra Devi, petitioner no. 3, are married sisters-in-law of the deceased. They deserve the privilege of anticipatory bail.

In the facts and circumstances of the case, let the petitioner no. 2 (Rinku Devi) and petitioner no. 3 (Sumitra Devi) in the event of arrest/surrender within four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Kaimur in Mohania P.S. Case No. 509/2015 subject to the condition as laid down under Section 438(2), the code of Criminal Procedure with further condition that one of the bailors shall be his/their own/close family member. The petitioner shall appear on each date fixed at the trial. In case of default in appearance on two consecutive dates, the trial court shall have liberty to cancel her bail bonds.

(Kishore Kumar Mandal, J)

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