

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38742 of 2015

Arising Out of PS.Case No. -146 Year- 2015 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

Shyam Sunder Chaudhary, s/o, late Ramchandra Choudhary, resident of
Village- Gadai Sarai, P.S. Sadar, District- Hajipur (Vaishali).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

With

Criminal Miscellaneous No.39401 of 2015

Arising Out of PS.Case No. -146 Year- 2015 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

- 1. Rakesh Choudhary, S/o Shyam Sunder Choudhary,
- 2. Sita Devi, W/o Rakesh Choudhary
- 3. Nutan Devi, W/o Ramesh Choudhary, all resident of Village- Gadai Sarai, P.S. Sadar, District- Hajipur (Vaishali)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

With

Criminal Miscellaneous No.47051 of 2015

Arising Out of PS.Case No. -146 Year- 2015 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

Malti Devi @ Manti Devi W/o Shyam Sunder Choudhary, Resident of
village- Gadai Sarai, P.S. Sadar, District- Hajipur (Vaishali)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.38742 of 2015)

For the Petitioner/s : Mr. Sarvesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar 2 (APP)

(In Cr.Misc. No.39401 of 2015)

For the Petitioner/s : Mr. Sarvesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sucheta Yadav(APP)

(In Cr.Misc. No.47051 of 2015)

For the Petitioner/s : Mr. Sarvesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Satyavrat Verma(APP)

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 09-03-2016

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners apprehend arrest in connection with Hajipur Sadar P.S. Case No. 146/15 for offences alleged under Sections 498-A, 324, 326, 307/34 of the Indian Penal Code and later on Section 302 I.P.C. has been added.

The prosecution case, as lodged by the informant Anita Devi is that her daughter Mamta had been married to Raju Choudhary 13 years ago. Soon after the marriage her mother-in-law, father-in-law, brother-in-law (Dewar), sister-in-law (Gotni), except the husband who was working outside the State, subjected her daughter to torture and cruelty for non-fulfillment of dowry and for the said demand all the named accused persons on 23.03.2015 poured kerosene on the body of her daughter and lit matches and thereafter bolted the door from outside. On hulla neighbouring people assembled and she was secretly admitted to hospital when her husband was at Haryana. On reference by the doctor to P.M.C.H. informant got her daughter admitted there on 26.03.2015.



It has been submitted by the learned counsel for the petitioners that petitioner in Cr. Misc. No. 38742 of 2015 is the father-in-law of the deceased, petitioner nos. 1, 2 and 3 in Cr. Misc. No. 39401 of 2015 are Dewar and gotnies of the deceased and petitioner in Cr. Misc. No. 47051 of 2015 is the mother-in-law of the deceased respectively. He further submits that all the family members of the deceased-husband have been made accused in the aforesaid case except the husband himself who was said to be out at Haryana. Furthermore, counsel for the petitioners submits that as per paragraph 25 of the case diary i.e. the inquest report the cause of death is stated to be burn by acid. Further in paragraph 29, which is the supervision note, it has been specifically stated that the deceased suffered from bouts of madness and the same has been supported in paragraph 11 of the supplementary case dairy. The husband of the deceased has also stated that his deceased-wife suffered from bouts of madness and the petitioners have annexed Annexure-2, which is the statement of the husband of the deceased, that since 14.08.2005 the deceased and her husband are separate in food and lodging. It has further been submitted that the allegations upon all the petitioners are general and omnibus and the husband of the deceased instigated the informant for institution of present case. One of the co-accused i.e. Dewar of the deceased

Ramesh Chaudhary has since been granted the privilege of anticipatory bail in Cr. Misc. No. 38079 of 2015 on 01.12.2015. It has also been contended that the deceased remained alive for about one and half months from the date of occurrence but the Investigating Officer had not recorded the statement of the deceased at any time.

However, learned APP for the State submits that the petitioners are named in the First Information Report and opposes the prayer for bail.

Be that as it may, 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 Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Hajipur Sadar P.S. Case No. 146/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

U		T	
---	--	---	--