

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44056 of 2016

Arising Out of PS.Case No. -367 Year- 2016 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

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Chinta Devi wife of Yadunandan Chauhan of Village- Puna Noniya Bigha,
P.S.Hilsa, District-Nalanda

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha

For the Opposite Party/s : Mr. Smt Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

4 02-12-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner apprehends her arrest in connection with

Hilsa P.S. Case No. 367 of 2016 registered under Sectionss-304B,
302, 201/34 of the Indian Penal Code.

Petitioner happens to be mother-in-law of the

informant's daughter. The marriage of informant's daughter had

taken place with co-accused, Shambhu Chouhan five years ago

and it is an admitted case that she spent her married life near about

five years at her matrimonial home and it is also an admitted

position that after marriage, the deceased was mother of one child

and she was carrying pregnancy of four months.

In course of investigation, it came to light that the

deceased along with her one year old child, drowned into the river

and subsequently, dead bodies of the deceased and her child were



cremated.

Learned counsel for the petitioner submits that cremation of dead bodies was made in presence of the informant and his other family members but subsequently, the informant lodged this false case with some ulterior motive and moreover, neither in the written report nor in his further statement, the informant stated about the torturing of the deceased, prior to her death and, therefore, the aforesaid fact goes to show that Section-304B of the Indian Penal Code is not applicable.

Considering the above-said facts and circumstances of the case as well as submission of the parties, this anticipatory bail petition is allowed and it is ordered that the petitioner named above, in the event of her arrest or surrender in the court below within four weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Hilsa P.S. Case No. 367 of 2016 to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda subject to condition as laid down u/S 438(2) of the Code of Criminal Procedure Code.

(Hemant Kumar Srivastava, J)

A.K.V./-

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