

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 43867 of 2016

Arising Out of PS.Case No. -432 Year- 2016 Thana -BANKA District- BANKA

- =====
1. Rukmani Devi, Wife of Arjun Yadav.
 2. Arjun Yadav, Son of Late Dhano Yadav.
 3. Birendra Yadav @ Birendra Kumar Yadav, Son of Arjun Yadav.
 4. Bipin Yadav @ Boudhi Yadav @ Bipin Kumar Yadav, Son of Arjun Yadav.
- All are Residents of village- Sanhoula, P.S.- Banka, District- Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Nurul Hoda, Advocate
For the State	:	Ms. Sharda Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 04-10-2016

Heard learned counsel for the parties.

The petitioners seek pre-arrest bail in Banka P.S. Case
No. 432 of 2016 dated 27.05.2016 instituted under Sections 304B/34
of the Indian Penal Code.

The petitioner no. 1 is the mother-in-law, petitioner
no. 2 is the father-in-law and petitioners no. 3 and 4 are brothers of
the husband of the deceased i.e., the sister of the informant.

The allegation against the petitioners is of having
killed the sister of the informant, who was married to another son of
petitioners no. 1 and 2 namely, Sikandar Yadav, by poison.

Learned counsel for the petitioners submits that the
marriage took place quite some time back and further that even in the



post-mortem report, there is no sign of any external or internal injury and even the cause of death has not been ascertained and the viscera has been preserved for forensic examination. It is further submitted that the informant and other family members came after being informed by the husband of the deceased and only with ulterior motive, the entire family of the husband of the deceased have been implicated. It is submitted that the husband is in jail after surrendering. Learned counsel submits that the petitioner no. 2 was in Delhi doing job at the relevant time whereas the petitioner no. 3 is a student and was in his college at the relevant time whereas petitioner no. 4 was working as a truck helper at Kolkata.

Learned APP submits that, admittedly the victim was a very young girl and for her death there has been no explanation as to the reason, which obviously indicates that she has been poisoned, moreso, in the background of the fact that in the F.I.R. it is alleged that she was tortured and only after panchayati, she was sent to the matrimonial home. It is further submitted that the petitioners, being members living in the same matrimonial home, cannot be said to be innocent. It is further submitted that the petitioner no. 1, being the mother-in-law, and also who normally is presumed to be incharge of the mess of the house, has a major role to play with regard to the victim having been poisoned.

Having considered the rival contentions, in the event

of arrest or surrender before the Court below within six weeks from today, the petitioners no. 2, 3 and 4 be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in Banka P.S. Case No. 432 of 2016, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

The petitioners shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of their bail bonds.

The prayer with regard to petitioner no. 1 stands rejected.

However, in the event she surrenders before the Court below within one month from today and prays for regular bail, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	