

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43925 of 2015

Arising Out of PS.Case No. -49 Year- 2015 Thana -PALIGANJ District- PATNA

=====

1. Basanti Devi wife of Bishun Dayal Yadav.
2. Jankya Devi wife of Lav Kush Yadav. Both resident of village- Udaipur,
P.S. Paliganj, Dist- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shankar Kumar

For the Opposite Party/s : Mr. S.Ehteshamuddin(App)

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 03-03-2016 Heard learned counsel for the petitioners, learned
A.P.P. for the State and the learned counsel for the informant.

Petitioners apprehend arrest in connection with
Paliganj P.S Case No.49 of 2015 for offences alleged under
Sections 302, 201/34 of the Indian Penal Code.

Prosecution case is that one Dharamsheela Devi wife
of Tuna Yadav of Village Udaipur, P.S. Paliganj, Dist Patna gave
a written statement before Paliganj Police stating that she had land
dispute with her in-laws' family. She went to her parent's
residence for her delivery. In the mean time on 15.3.2015 different
persons murdered informant's husband by strangulating him and
concealed his dead body. It was alleged that the persons involved
in strangulation of informant's husband were Vishnu Dayal son of



Nirgan Yadav, Lav Kush Yadav son of Vishnu Dayal Yadav, mother-in-law Basanti Devi (petitioner No.1) Gotni Jankya Devi (petitioner no.2) all resident of village Udaipur and Maternal uncle of lav Kush namely Raj Kumar and Pawan Kumar, both sons of Laldeo Yadav and resident of Village Dhana. It has further been alleged that when she got the knowledge of the incident of 9.00 Hrs. she returned to her husband's house and she saw that her gold ornament and Rs. 30,000/- had been taken out from her Box.

It has been submitted by learned counsel for the petitioners that they are innocent and have committed no offence neither they have any criminal history. It has further been submitted that the petitioner no.1 is the step mother-in-law of the informant and petitioner no. 2 is her step Gotani. There is no eye witness of the said occurrence and in various paragraphs of the case diary 29, 40 in all of which it has been stated that the informant's husband committed suicide which is also corroborated by the Chaukidar at para 22 of the case diary.

Learned counsel for the informant submits and produces the death certificate of the informant's husband wherein the father of the informant's husband has stated that the informant's husband had died due to snake bite.

The learned A.P.P. for the State opposes the prayer

for bail stating therein that the petitioners are named in the F.I.R.

Since there is no eye witness to the occurrence, various paragraphs of the case diary which suggest that the husband committed suicide and the contradictory statement of the father of deceased that the informant's husband died due to snack bite let the petitioners in the event of their arrest/surrender before the court below within a period of 8 weeks from today be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Danapur, Patna, in connection with Paliganj P.S. Case No. 49 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

siddharth/-

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