

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45888 of 2016

Arising Out of PS.Case No. -102 Year- 2016 Thana -GORAUL District- VAISHALI(HAJIPUR)

=====

1. Nageshwar Rai son of Late Nemu Rai @ Jagdish Rai, resident of Village-
Karhariya Bujurg, Police Station- Goraul (Kathara O.P.), District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Majoti Devi, wife of Lal Kumar Rai, resident of Village- Karhatiya
Bujurg, Police Station- Goraul (Kathara O.P.) District- Vaishali.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Abhay Kumar, Advocate

For the Opposite Party/s : Mr. Sri Humayou Ahmad Khan

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 25-10-2016

Heard learned counsel for the petitioner
and the State.

Petitioner is languishing in custody since
01.09.2016 in a case registered for the offences punishable
under Sections 341, 323, 498A, 328, 379, 504 and 506/34
of the Indian Penal Code.

The prosecution case as per written report
of Majoti Devi is to the effect that she was married with Lal
Kumar Roy three years prior to lodging of the case. The
informant's father-in-law, brother-in-law and sister-in-law
used to torture the informant and threatened her husband
to leave the house otherwise he will be killed. On
15.05.2016 at 5.00 P.M. the husband of the informant
brought in a semi unconscious condition by the brother-in-



law Raj Kumar Roy, when the husband of the informant conveyed her that his brother has administered some intoxicant, as a result he is feeling restless. Thereafter the father-in-law and brother-in-law demanded Rs. 50,000/- from the informant for treatment and snatched Rs. 50,000/- from the informant and stopped her to accompany to the Doctor. On 16.05.2016 at 7.00 A.M. the father-in-law, brother-in-law and the petitioner being the co-villager came and conveyed that husband of the informant has died. The informant informed her parents and when they came to take the informant then all the accused persons including the petitioner abused and assaulted the informant, hence the informant suspected that her husband has been killed by father-in-law, brother-in-law, sister-in-law and the petitioner under a conspiracy.

It is submitted by the learned counsel for the petitioner that as per First Information Report the specific accusation of torture, making assault and administering poison is against the in-laws of the informant. The petitioner is simply a co-villager of the informant. The husband of the informant specially conveyed that the intoxicant was administered to him by the brother-in-law of the informant Raj Kumar Roy. It is further submitted that the informant came to know about the serious condition of her husband on 15.05.2016 and about the death on 16.05.2016 at 7.00 A.M., but the First Information

Report was registered on 19.05.2016. Informant has retracted from the initial version and filed a petition to that effect before learned court below. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent.

Considering the thrust of accusation against the brother-in-law of the informant namely Raj Kumar Roy and retracted version of the informant, let the above named petitioner, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Goraul P.S. Case No. 102 of 2016.

(Dinesh Kumar Singh, J)

P.K./-

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