

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39279 of 2016

Arising Out of PS.Case No. -3 Year- 2016 Thana -BELA INDUSTRIAL District- MUZAFFARPUR

1. Radhika Devi @ Radhika Chaudhary Wife of Baidyanath Chaudhary
Resident of Village -Bela, P.S- Bela, District -Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

Mr. Malay Kumar Choudhary

For the Opposite Party/s : Mr. Rajendra Nath Jha

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 22-11-2016

Heard both sides.

The petitioner seeks bail in Bela P.S. case No. 03 of
2016 under Section 302/34 of the Indian Penal Code.

The mother of the deceased, Vandana Choudhary,
alleged that her daughter was married to Santosh Choudhary on
26.06.2002. Her daughter got three children, eldest son, Shivam,
nine years old and two daughters, Shwati and another one and half
years old. The informant further alleged that Baidyanath
Choudhary, father-in-law, Radhika Devi @ Radhika Chaudhary,
mother-in-law, the petitioner, and Kiran Chaudhary, sister-in-law
of Vandana Choudhary used to assault her daughter and her son-
in-law and they were threatening to kill her in order to grab the
entire property. On 01.02.2016 the son-in-law of the informant
went outside to do some work after leaving his house, all the three

accused persons killed her daughter. Her son-in-law reported the informant about the occurrence.

The learned counsel for the petitioner submits that petitioner is mother-in-law of the deceased. Vandana Choudhary was lying on bed. Shivam, son of the deceased, informed his father, Santosh Choudhary, that his mother was ill and on such Santosh Choudhary came to his house and found his wife lying on bed. Blood was oozing out from her mouth and nose. Santosh Choudhary took his wife along with his father, Baidyanath Choudhary, to a doctor but the doctor informed that Vandana Choudhary is dead. Santosh Choudhary, husband of the deceased, also alleged that petitioner, his mother, and sister were assaulting his wife and him but there is no eye witness of the occurrence and who assaulted the deceased has not come anywhere. The statement of the son of the deceased, who informed his father about the condition of his mother, has not been taken in the entire case diary. The police also did not take the statement of the daughters of the deceased. It is submitted that Kiran Choudhary, sister-in-law of the deceased, has already been enlarged on bail vide order dated 26.07.2016 passed in Cr. Misc. No. 24825 of 2016 and the case of petitioner stands on same footing.

The learned Additional Public Prosecutor, however, opposed the prayer for bail and submitted that there is allegation

that petitioner used to assault the deceased in order to grab the property.

Of course, the informant and her son-in-law made allegation that petitioner along with her daughter used to assault the deceased but on the date of occurrence how the deceased got injuries has not come anywhere. Nobody has seen the occurrence. Even the husband of the deceased has stated that he went to a shop for purchasing water and his son informed him about the illness of his wife but he did not disclose about the assault on his wife. Even the daughter of the deceased does not disclose the name of any of the accused.

Considering the facts aforesaid and the nature of allegation made against the petitioner and the fact that Kiran Choudhary, sister-in-law of the deceased, has already been enlarged on bail, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-XII, Muzaffarpur in Bela P.S. Case No. 03 of 2016.

(Prabhat Kumar Jha, J)

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