

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39480 of 2016

Arising Out of PS.Case No. -34 Year- 2015 Thana -GHANSHYAMPUR District- DARBHANGA

- =====
1. Asha Devi Wife of Panna Lal Jha Resident of Village: Jaideopatti, P. S. : Ghanshyampur, District : Darbhanga.
 2. Nilam Devi Wife of Bechan Ishwar @ Bechon Ishwar null
 3. Bechan Ishwar @ Bechon Ishwar, Son of Budanand Ishwar Both resident of village: Kumaraul, P. S. : ghanshyampur, District : Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sameer Ranjan

For the Opposite Party/s : Mr. Sri Braj Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL

ORAL ORDER

5 30-11-2016 Heard the counsel for the petitioners and the State.

The petitioner are the mother-in-law, sister-in-law and brother-in-law of the victim/deceased. They are facing prosecution for the charges under sections 328 & 302/34 IPC, vide Ghanshyampur P.S. Case No. 34 of 215. They having been incarcerated since 28.07.2016, have prayed for grant of bail.

The father of the victim lodged the case that after the death of the husband of his daughter the accused persons used to torture her and ultimately she was done to death in suspicious circumstances while at Sasural. It was a case of poisoning.

Counsel for the petitioners submits that the marriage



admittedly was solemnized 15 years ago inasmuch as the deceased had two children. There is no direct evidence implicating the petitioners in the alleged offence. Although the case was lodge in the year 2015, but after having availed the remedy of getting anticipatory bail, they surrendered on 28.07.2015 and since then they are in custody.

Learned APP, referring to certain paragraphs of the case diary, has submitted that there is allegation of continuous torture on the victim/deceased by petitioner nos. 1 and 3. Although the petitioner no.3 was residing in Delhi but used to visit the Sasural every now and then and kept torturing the deceased as a result whereof she was forced to consume poison. It is further stated that the petitioners evaded in submitting to the jurisdiction of the Court immediately after the occurrence and lodging of the FIR.

Counsel for the petitioners, on the other hand, points out from the inquest report that petitioner no.2 was a witness to the said inquiry.

Considering the facts and circumstances of the case, this Court, for the present, is not inclined to enlarge petitioner nos. 1 and 3 on bail. Their prayer is accordingly rejected.

Let the petitioner no.2 namely Nilam Devi be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of



the like amount each to the satisfaction of ACJM, Biraul, Darbhanga in Ghanshyampur P.S. Case No. 34 of 2015 on condition that one of the bailors of the petitioner shall be her own/close family member. In the event of framing of charge, the petitioner shall appear in person on each date fixed at the trial. In case of default in doing so on two consecutive dates, the trial court shall have liberty to cancel her bail bonds and secure her arrest in accordance with law.

(Kishore Kumar Mandal, J)

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