

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47839 of 2017

Arising Out of PS.Case No. -86 Year- 2017 Thana -CHARPOKHARI District- BHOJPUR

- =====
1. Beshkimti Devi @ @ Bishkamti Devi, Wife of Baban Singh,
 2. Binatma Devi, Daughter of Baban Singh,
 3. Amrita Kumari, Daughter of Baban Singh,
- All resident of Village- Kharati, P.S.- Charpokhari, District- Bhojpur
(Ara).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Om Prakash Upadhyay

For the Opposite Party/s : Mr. Smt. Anita Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 17-10-2017

Heard learned counsel for the petitioners

and the learned APP for the State.

The petitioners being the mother and unmarried sisters of the husband of the victim are apprehending their arrest in a case registered for the offences punishable under Sections 306 and 120B/34 of the Indian Penal Code.

The prosecution case got initiated on the fard-beyan of Bhagwano Devi recorded on 28.04.2017 at 12.10 P.M. at Post-mortem house of Sadar hospital, Ara by S.I. of Charpokhari Police Station, which is to the effect that the daughter of the informant was married with co-accused Amit



Kumar Singh, the son of petitioner no. 1, about 8 to 10 years prior to the lodging of the FIR but she was tortured and assaulted by the in-laws people. On 28.04.2017 in the morning petitioner no. 1 conveyed the informant through phone that the daughter of the informant has gone traceless. Thereafter, the informant sent her son Divya Prakash to in-laws house of her daughter, but she could not be located. Subsequently, a rumour spread that a dead body was lying on the railway track. Subsequently the dead body of the daughter of the informant was recovered from the railway track. Hence, it is alleged that the torture was inflicted by the in-laws people including the petitioners.

It is submitted by learned counsel for the petitioners that the victim committed suicide. Petitioner no. 1 aged about 75 whereas petitioner nos. 2 and 3 are unmarried daughters of petitioner no. 1. The petitioners claim to reside separately from the husband of the victim. The informant has subsequently retracted from the initial version and filed a petition to that effect before the learned Court below

Learned APP submits that the victim committed suicide after 8 to 10 years of the marriage.

Considering the fact that whether it is a case of suicide or homicide it is the matter of investigation and trial



but in view of admitted position that the victim died 8 to 10 years prior to lodging of FIR, thrust of accusation against the husband of the victim, petitioner no. 1 being an old lady and petitioner nos. 2 and 3 being unmarried girls, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-4, Bhojpur at Ara in connection with Charpokhari P.S. Case No. 86 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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