

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40677 of 2017

Arising Out of PS.Case No. -37 Year- 2017 Thana -MOTIPUR District- MUZAFFARPUR

- =====
1. Madhuri Devi, W/o Duryodhan Singh,
 2. Duryodhan Singh, Son of Late Harihar Singh, Both are R/o Village-
Maharani, P.S.- Pipra, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Smt. Reena Sinha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 07-11-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in custody since 13.02.2017
and 15.02.2017 respectively in connection with Motipur P.S. Case
No. 37 of 2017 for offences punishable under Sections 302, 201
and 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant who
is Chaukidar, is that a dead body of eight year old girl was found
in a bag and there was bleeding from the nose and neck bore sign
of rope.

It has been submitted by the learned counsel for the
petitioners that they are innocent, not named in the F.I.R. and



subsequently during investigation the dead body of the mother of the deceased girl was also found. The name of the petitioners came on the confessional statement of co-accused husband who has confessed the involvement of the petitioners before the police which has no evidentiary value in the eye of law. It is submitted that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner and that the husband is already in custody. It is further submitted that the petitioner no. 1 is an old lady of 60 years and petitioner no. 2 is an old man of 74 years hence sympathetic consideration be given.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioners are mother-in-law and father-in-law respectively of the deceased lady Shila Devi and both mother and child were killed and disposed of and it was a cold blooded murder by the petitioners and the husband for demand of dowry.

Considering the facts and circumstances and the materials on record since the husband is already in custody, let petitioner, above named, be enlarged on bail on completion of one year in custody on furnishing bail bond of Rs.10,000/-(Ten Thousand)



with two sureties of the like amount each to the satisfaction of learned S.D.J.M. (West), Muzaffarpur, in connection with Motipur P.S. Case No. 37 of 2017, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (2) Petitioners will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J)

Devendra/-

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