

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56832 of 2017

Arising Out of PS.Case No. -161 Year- 2017 Thana -HARLAKHI District- MADHUBANI

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1. Sikiliya Devi @ Sitali Devi, wife of Late Shyam Kishore Pandey
2. Prabha Devi wife of Sitesh Pandey Both are residents of Village -
Sothgaon, P.S. - Harlakhi, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar
For the informant : Mr. Shailendra Kumar Jha
For the Opposite Party/s : Ms. Sahin Begum, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 10-01-2018 This case has been taken up out of turn for the reason

that petitioner no. 2 has a nine months' old child in her lap. A
supplementary affidavit to that effect has been filed.

Let the same be kept on record.

Heard the counsels for the parties.

The petitioners, who are mother-in-law and sister-in-law of the deceased having a nine months' old child in her lap seek bail in connection with Harlakhi P.S. Case No. 161/2017 dated 16.09.2017 instituted for the offence under Section 304(B)/34 of the Indian Penal Code.

The deceased was married to the son of petitioner no. 1 on 28.04.2017. It has been alleged that right from the beginning,



the deceased was being subjected to cruelty. However, the F.I.R. further reveals that the husband of the deceased only called the informant and informed her that her daughter has died because of illness. When she reached the village/matrimonial home of the deceased, she found the dead body of her daughter in the courtyard. Hence, the informant suspected the hands of the petitioners in killing the deceased.

Learned counsel for the petitioners, in the first instance, has submitted that petitioner no. 1, who is mother-in-law of the deceased, is about 75 years of age, whereas petitioner no. 2 is the sister-in-law of the deceased, who is having a nine months' old child in her lap. The petitioners are in custody since 17.09.2017. It has also been submitted that many persons accompanied the deceased to Primary Health centre for treatment, but because of her worsening condition, she was referred to Madhubani, when on the way she died. The deceased is said to be suffering from epilepsy.

For the facts that petitioner no. 1 is 75 years of age and petitioner no. 2 has a nine months' old child in her lap, this Court is inclined to grant bail to them.

The petitioners above named are directed to be released on bail on their furnishing bail bond of Rs. 10,000/- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Benipatti in connection with Harlakhi P.S. Case No. 161/2017.

The petitioners shall not tamper with the evidence and would not make any efforts to impede the process of investigation. Should they be found doing so, it would be open for the investigating agency to move for the cancellation of the bail granted to them.

(Ashutosh Kumar, J.)

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