

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27062 of 2018

Arising Out of PS. Case No.-381 Year-2017 Thana- BARHARIA District- Siwan

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1. Vishwanath Choudhary, S/o Late Lalu Rai,
 2. Suryapati Devi @ Surajpathi Devi, W/o Vishwanath Choudhary,
Both R/o Vill.- Kanhauli, P.S.- Barharia, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kant, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 03-05-2018 Initially, it is submitted that petitioner no.1 Vishwanath Chaudhary, has been apprehended by the police. Hence, learned counsel for the petitioners seek permission to withdraw, this application so far as it relates to petitioner no.1 only.

Accordingly, this application is permitted to be withdrawn only against petitioner no.1.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner no.2, being mother of the husband of the victim,



is apprehending arrest in a case registered for the offences punishable under Sections 201/302/307/34 of the Indian Penal Code.

The prosecution case got instituted on the basis of written report submitted by Harinarayan Chaudhary to the Station House Officer, Barhariya Police Station is to the effect that the informant got married his daughter Vidanti Kumari with Naresh Yadav in the year 2006. On 02.11.2017, at 02.00 P.M., the informant got information through family member that his daughter is ill. On receiving such information, the informant went to the in-laws house of his daughter, where he was conveyed that his daughter has been taken to Siwan for medical assistance. Subsequently, the informant was conveyed by his grand-son (naati) that his daughter has been killed by the accused persons, including petitioner no.2, by litting fire after pouring kerosene oil.

It is submitted by learned counsel for petitioner no.2, that the informant is not an eye witness to the occurrence. Moreover, the informant came to know about the occurrence through some family member and son of the victim on 02.11.2017, but the FIR was registered on 04.11.2017 and it reached to the Court of learned CJM on 07.11.2017, which suggests that the FIR has



been registered by antedating. Accusation of killing the daughter of the informant is omnibus and general moreover it has been levelled after 10 years of the marriage. The thrust of accusation is against the husband of the daughter of the informant, who is in custody. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur, learned APP for the State that the petitioner is named in the FIR.

Considering the rival submissions of the parties, keeping in view of the delayed lodging of the FIR and its delayed reaching to the learned CJM which clouds the genuineness of the accusation, the petitioner no.2 being lady, the accusation is omnibus and general against all the in-laws family members, including petitioner no.2 and the thrust of accusation against the husband of the victim, coupled with statement made in paragraph no.3 of the petition that petitioner no.2 is not having any criminal antecedent, let the above named petitioner no.2 be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Siwan in connection with Barharia P.S. Case No.381 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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