

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54799 of 2017

Arising Out of PS.Case No. -129 Year- 2017 Thana -SIRDALA District- NAWADA

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1. Bal Mukund Das @ Bal Mund Das, Son of Sri Yadunandan Das,
 2. Shakunti @ Hemanti Devi, Wife of Sri Yadunandan Das, Both residents of Village- Rabio, P.S.- Sirdalla, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma, Advocate

For the Opposite Party/s : Smt. Pronati Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 12-01-2018 Heard learned counsel for the petitioners, learned counsel for the informant and learned counsel for the State.

The petitioners apprehend their arrest in connection with Sirdalla P.S. Case No. 129 of 2017, registered for the offences punishable under Sections 328/302/34 of the Indian Penal code.

Mala Devi, the daughter of the informant was married to petitioner no.1 in the year 2004 and after marriage she went to her *sasural* and she lived there happily for two years and thereafter her in-laws started asking her to bring Rs. 01 lac for doing business which she informed to her parents and as they showed inability to fulfill the said demand the petitioners and other started torturing her however the informant pacify the matter



and in the meantime Mala Devi gave birth to two daughters and one son but the petitioners and other used to torture her and on 13.06.2017 the informant got information on phone that Mala Devi died then he went there and learnt from nearby people that his daughter was killed by administering poison by the petitioners and other.

Submission is of false implication and that no demand was ever made. The petitioner no.1 and the deceased were living happily. The deceased was suffering from mental ailment and for that she was treated vide Annexure-2 to 4. The wife of the petitioner no.1 consumed poison herself and she was brought in Aushman Hospital vide Annexure-5, but she was not saved. The petitioner no.1 is suffering from ailment vide Annexures -6 and 7. No apparent injury were detected on the person of the deceased and cause of death has not been ascertained by the doctor who has conducted the post mortem examination. Petitioner no.2 is old mother-in-law having no concern and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of pre-arrest bail by submitting that the marriage was performed in the year 2004 but *gauna* was performed in the year 2009 and after two years of



gauna the petitioners started demand of Rs. 01 lakh and due to non-fulfillment they used to torture the deceased. Earlier there was panchayati also but the petitioners always used to torture her and ultimately killed her by administering poison. During investigation the witnesses have also supported the allegation.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioners, I am not inclined to grant privilege of pre-arrest bail to them and accordingly their such prayer stands rejected in connection with Sirdalla P.S. Case No. 129 of 2017, pending in the Court of learned Additional Chief Judicial Magistrate,-Vth, Nawada.

However, in case and if so advised the petitioners surrender and seek regular bail then their prayer for regular bail shall be considered preferably on the same day on its own merits without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J.)

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