

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28404 of 2018

Arising Out of PS. Case No.-261 Year-2017 Thana- PANCHRUKHI District- Siwan

-
1. Binod Singh @ Binod Kumar Singh, S/O Raghunath Singh.
 2. Chinta Devi, W/o Binod Singh @ Binod Kumar Singh. Both are R/o Vill.- Hardia, P.S.- Pachrukhi, District- Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Prashant Kumar, Advocate.
For the Opposite Party : Mr. Manish Kumar 2, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

9 14-12-2018 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 498(A), 302 and 120(B)/34 of the IPC.

The prosecution story, in brief, is that the marriage of the informant's sister was solemnized with the son of Raghunath Singh in the year 2006. On getting information that his sister was killed by her matrimonial family members, he alongwith other family members went there and saw that the dead body of his sister Pranpati Devi was lying in the *Varandah* and her mother-in-law was sitting there and on inquiry, she told that his sister died due to heart attack. The informant further alleged that



except her brother-in-law, all the matrimonial family members only with a view to engrave the land, used to assault her and being fed up with their behaviours, she started residing with her husband at *Tata* and her parental house. One and half months prior to the occurrence, she came from *Tata* alongwith her husband at Village- Hardiya at her matrimonial house, she was about to return within 1 to 2 days to *Tata*. The informant's brother-in-law also told him that as to when he came at the house, then his wife was trembling for which they were preparing for going to Hospital and she died. The informant suspected that the accused persons might have killed his sister but his brother-in-law is not guilty.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The petitioner no. 1 is *Bhaisur* (brother-in-law) and petitioner no. 2 is *Deyadin* (sister-in-law) of the deceased. They are separate in mess and property from the husband of the deceased. The same is evident from paragraph no. 6 of the case diary. An affidavit has also been filed on behalf of the husband of the deceased where he has



retracted from his earlier statement recorded under Section 161 Cr. P.C. The petitioner no. 2 is a lady.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R. The husband of the deceased has not been made accused in the present case. The statement of husband of the deceased is in paragraph no. 14 of the case diary where he has supported the prosecution case.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to petitioner no. 1 Binod Singh @ Binod Kumar Singh. The same is rejected in connection with Pachrukhi P.S. Case No. 261 of 2017, pending in the court of learned A.C.J.M.-VI, Siwan. Anyhow, if the petitioner no. 1 Binod Singh @ Binod Kumar Singh surrenders and prays for regular bail in the learned court below, the same shall be considered on its own merit without being prejudiced by this order of the Court.

Considering the fact that the petitioner no. 2 Chinta Devi is a lady, let petitioner no. 2 (except petitioner no. 1 Binod Singh @ Binod Kumar Singh), in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing



bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- VI, Siwan, in connection with Pachrukhi P.S. Case No. 261 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

