

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32157 of 2018

Arising Out of PS.Case No. -5 Year- 2018 Thana -KASHICHAK
District- NAWADA

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Dukhani Devi, W/o Dukhan Chaudhary, resident of Village:
Bauri, Police Station: Kachichak, District : Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.35448 of 2018

Arising Out of PS.Case No. -5 Year- 2018 Thana -KASHICHAK District-
NAWADA

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Sharwan Chaudhary, Son of Dukhan Chaudhary, Resident
of Village- Bauri, Police Station- Kashichak, District-
Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.32157 of 2018)

For the Petitioner/s :Mr. Ram Adya Singh, Adv.

For the Opposite Party/s :Mr. Amitesh Kumar, APP

(In Cr.Misc. No.35448 of 2018)

For the Petitioner/s :Mr. Ram Adya Singh, Adv.

For the Opposite Party/s :Mr. Abhay Kumar – 1, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 19-07-2018 Since both the cases arise out of Kashichak P.S. Case No. 05 of 2018, they have been heard together and are being disposed of by this present common order.

The petitioners, who are the mother-in-law and the younger brother of the husband of the deceased respectively, seek bail in anticipation of their arrest in connection with Kashichak P.S. Case No. 05 of 2018, dated 09.01.2018, instituted for the offences punishable under Sections 304(B) and 201/34 of the Indian Penal Code.

The F.I.R. has been lodged by the brother of the deceased, who has alleged that about five months ago, the husband of the deceased had taken her to her matrimonial home. In the F.I.R., he has also alleged that his sister was ill-treated at the hands of every one of the family members of the husband.

Mr. Ram Adya Singh, learned Advocate for the petitioners has submitted that there is a general allegation against all the members of the family including the petitioners, but the main thrust of the allegation is against the husband of the deceased, who is in custody. Apart from this, Mr. Singh has drawn the attention of this Court to the *post-mortem* report, which, *inter alia*, states that the cause



of death could not be ascertained. There was a *cannula* attached to the body which is indicative of the fact that the deceased was offered medical treatment.

Considering the aforesaid facts, the informant also later realized that he has wrongly lodged the case involving all the members of the family of the deceased.

Regard being had to the aforesaid facts as also taking into account the relationship of the petitioners above named with the deceased, they are directed to be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on their furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Nawada in connection with Kashichak P.S. Case No. 05 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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