

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34649 of 2018

Arising Out of PS. Case No.-40 Year-2018 Thana- MAJHAHGARH District- Gopalganj

1. Most. Ramgati Devi @ Ramjati Devi, Wife of Late Bharath Prasad @ Bharath Mahto,
2. Birendra Prasad @ Birendra Mahto, Son of Late Bharat Prasad @ Bharath Mahto,
3. Rita Devi, Wife of Birendra Prasad @ Birendra Mahto, All are resident of Village- Manjhagarh Sheikhtoli, P.S.- Manjhagarh, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Roy

For the Opposite Party/s : Mr. Sri Ajay Kumar -2

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 19-07-2018 Heard the learned counsel for the petitioners and the State.

The petitioners seek bail in anticipation of their arrest in connection with Manjhagarh P.S. Case No. 40 of 2018 dated 21.02.2018 instituted for the offences under Sections 304 (B) and 34 of the Indian Penal Code.

Petitioner no. 1 is 70 years old mother-in-law of the deceased, whereas the petitioners no. 2 and 3 are the elder brother of the husband of the deceased and wife of petitioner no. 2, (sister-in-law), respectively.

The uncle of the deceased has lodged the F.I.R. alleging that the deceased was married to one Rabindra Prasad



in accordance with Hindu religious rites. After some days of the marriage, the husband of the deceased left for foreign country for earning his livelihood. Thereafter, she was not treated well in his matrimonial home for which a compliant was made by the deceased. The family members of the deceased interceded with the accused persons.

Aggrieved by the aforesaid compliant made by the deceased, the petitioners caused her death by hanging her on the ceiling fan. On the basis of the aforesaid first information report a case vide Manjhagarh P.S. Case No. 40 of 2018 was instituted for investigation for the offences under Sections 304 B and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that within 15 days of the marriage of the deceased, the husband has left for gulf country for earning his livelihood. It has come in the investigation that the deceased was more qualified than her husband and, therefore, she was depressed and dejected by the aforesaid mismatch marriage. She had a complaint against her own family members for tying her up with an illiterate person.

A rumour was also afloat in the village that perhaps the deceased wanted to marry somebody-else. At the time of death, the deceased was found to be pregnant of four months.



The petitioner no. 2 is a mason, whereas the petitioners no. 1 and 3 are ladies, who, because of their financial circumstances, work in the agricultural field to keep her household running. The deceased, perhaps, it has been argued, has committed suicide because of unhappiness over her marriage with her husband who according to the deceased was not a match for her.

Considering the aforesaid facts as also taking into account that there is no other materials to connect the petitioners with the said offence, the petitioners above-named are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Manjhagarh P.S. Case No. 40 of 2018, corresponding to G.R. No. 758 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

skm/-

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

