

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1800 of 2018

Arising Out of PS. Case No.-170 Year-2015 Thana- CHENARI District- Rohtas

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1. Jai Prakash Paswan @ Jai Prakash, son of Bali Paswan,
 2. Dukhni Devi, Wife of Bali Paswan,
 3. Prabhawati Devi @ Prabhwati Devi, Wife of Jai Prakash Paswan,
All Residing in Village- Jalalpur, P.S.- Karamchat, District-
Kaimur (Bhabhua).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Opposite Party/s : Mr. SRI KANHAIYA KISHORE

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-01-2018 Heard learned counsels for the petitioners and State.

The petitioners being the younger brother, mother, brother's wife of the husband of the victim are apprehending arrest in a case registered for the offences punishable under Sections 302 and 201/34 of the IPC.

The prosecution case got initiated with the filing of Complaint Case No. 880 of 2015 by one Jawahar Paswan on 09.07.2015, which came to be registered as a police case, being Chenari P.S. Case No. 170 of 2015, after being transferred under Section 156(3) of the Cr. P.C.

The prosecution case is that the informant's daughter, namely, Munni Devi was married with Anil Paswan about 10-12



years prior to the lodging of the present case. After marriage, the daughter of the informant was subjected to mental and physical torture, leading to filing of Complaint Case No. 606 of 2006, with accusation under Section 498A and 406 of the IPC. In pursuance to reconciliation in the complaint case, the accused persons took the daughter of the informant to her matrimonial house on assurance to the court that they will produce the victim girl on next two consecutive dates, which gets reflected from the order of the learned Court below dated 08.05.2015. A petition was filed on behalf of the accused persons on 06.07.2015 that Munni Devi died in the night of 04.07.2015. The informant came to know that the accused persons took the victim Munni Devi to Village Naraura at the house of co-accused Ramayan Paswan and killed her by strangulation.

It is submitted by learned counsel for the petitioners that the petitioners claim to be separate from the husband of the victim. The victim was suffering from chronic disease and due to illness, she died. The Court of learned CJM, Sasaram was informed on 06.07.2015 by filing a petition, as contained in Annexure-3, that the victim died on 04.07.2015. Moreover, in the earlier complaint case, the victim filed a petition before the learned Sub-Divisional Officer, Sasaram that she is being kept



properly by the accused persons and issue has been reconciled between the parties. In spite of the fact that the complainant came to know about the filing of the petition dated 06.07.2015, whereby the court was informed that the victim died on 04.07.2015, even then, the complaint was filed on 09.07.2015, which came to be registered as a police case on 04.09.2015.

It is further submitted that the accusation has been levelled on the basis of suspicion. The investigation is still pending.

Learned APP submits that the petitioners have also been named in the FIR.

Considering the fact that the thrust of accusation is against the husband of the victim and there is no specific accusation against the petitioners, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-cum-Sub-Judge-III, Sasaram, District Rohtas in connection with Chenari P.S. Case No. 170 of 2015, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

The learned court below will be at liberty to cancel the bail



bonds of the petitioners if they failed to co-operate during investigation or defaults for three consecutive occasions.

(Dinesh Kumar Singh, J)

Amrendra/-

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