

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36201 of 2019

Arising Out of PS. Case No.-205 Year-2018 Thana- AKBARPUR District- Nawada

1. Rinku Devi aged about 25 years, W/o Shankar Prasad
 2. Sanju Devi aged about 52 years, W/O Sato Yadav
- Both are Resident of village- Balabigha, P.S.- Akbarpur, District- Nawada.
... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Sheo Kumar Prasad, Advocate
For the Informant	:	Mr. Birendra Kumar, Advocate
For the State	:	Mr. Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 17-08-2019 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The petitioners is seeking anticipatory bail in connection with Akbarpur P.S. Case No. 205/2018 registered under Sections 302, 201, 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that from a reading of the First Information Report it would appear that the wife of the deceased has lodged the F.I.R. alleging that while she had gone to her *Naihar* on the day of 'Rakhi', she got an information that her husband has been killed. It is submitted that the informant later on alleged that



when she returned to see her husband, she was informed that family members had gone to burn the dead body. It is alleged that all the persons of the family had sprinkled kerosene oil on the dead body and had burnt the dead body of her husband.

It is the submission of learned counsel that in the F.I.R. there is no specific allegation against the petitioners. Petitioner no. 1 is the wife of elder brother-in-law of the informant whereas petitioner no. 2 is the mother-in-law of the informant. Against them there is no specific allegation in the F.I.R. but they have been impleaded. It is stated that they live separately in their mess and business.

Referring to certain paragraphs of the case diary learned counsel for the petitioners has submitted that in the case diary the present witnesses have stated that husband of the informant was asking to the informant not to go to her *Naihar* on the same fateful day and he had threatened to commit suicide if she will not abide by his direction, still the informant had gone to her *Naihar* and thereafter the husband of the informant had committed suicide. In paragraph '14' of the case diary, seizure list has been shown



where some packets of Celphos which is a poisonous substance have been found near the place where the dead body of the husband is said to have been found. It is submitted that no independent witnesses have supported the allegations against the petitioners.

Learned A.P.P. for the State as well as learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioners, as according to them all the family members had joined in the killing of the husband of the informant. However, in course of hearing no statement of any independent witnesses has been brought to the notice of this court to show complicity of these petitioners in the alleged occurrence.

In the given facts and circumstances of the case, considering that in course of investigation no independent material have been brought to show complicity of these petitioners who are lady members of the family said to be living separately in their mess and business and that the independent witnesses have stated that it is a case of suicide and police has also recovered some packets of Celphos near the place where husband of the informant was burnt, in the



event of their arrest/surrender before the court below within a period of four weeks, let the above-named petitioners be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, in connection with Akbarpur P.S. Case No. 205/2018, subject to condition prescribed under Section 438(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

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