

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57504 of 2018

Arising Out of PS. Case No.-101 Year-2018 Thana- JANDAHA District- Vaishali

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1. Md. Yunus, son of Late Nizamuddin.
 2. Maitun Khatoon @ Maitun Nisha, wife of Md. Yunus.
Both resident of Village- Silauthar, P.S. Jandaha, District Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lovekush Kumar
For the Opposite Party/s : Mr. B.N. Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 22-01-2019 Mr. Ashutosh Ranjan Pandey, learned AAG 14 has appeared today on behalf of learned Advocate General and informed this Court that within a short time an appropriate measures shall be taken to ensure the presence of the APPs in course of hearing.

Mr. B.N. Pandey , learned APP 91 is present and submits that today he has received message from learned APP entrusted with this case to appear and argue the matter as he is engaged in some personal family issues arising out of bereavement in his family.

Heard learned counsel for the petitioners and Mr. B.N. Pandey, learned APP representing the State.

Petitioners, in the present case, are said to be father-



in-law and mother-in-law of the deceased. They are apprehending their arrest in connection with Jandaha P.S. Case No. 101 of 2018 registered for the offences punishable under Section 304/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the death of the sister of the informant has taken place because of consumption of poison as it has come in course of investigation that she had consumed poison. Learned counsel submits that so far as these petitioners are concerned, no specific allegations have been made against them save and except that they being the parents of the husband of the deceased have been made accused along with the married sister and brother-in-law of the deceased. It is further submitted that in the postmortem report the doctor has not found any external injury on the body of the deceased which shows that there was no physical torture to the deceased prior to her death. The doctor has not been able to report the cause of death in the postmortem report.

Learned APP for the State is present and has opposed the prayer for bail on the grounds inter alia that the names of these petitioners have also transpired in course of investigation. The fact that no external injury has been found on the body of the deceased has not been denied as those are evident from



perusal of the postmortem report.

In the aforesaid view of the matter, considering the postmortem report and the general and omnibus allegations, this Court directs that in case of arrest or surrender of the petitioners within a period of four weeks from today, the abovenamed petitioners shall be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- XI, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 101 of 2018, subject to the condition that petitioners shall join the investigation by reporting to the Investigating Officer within a period of two weeks from today and shall cooperate in course of investigation. This will be in addition to condition prescribed under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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