

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49442 of 2019**

Arising Out of PS. Case No.-766 Year-2018 Thana- MOTIHARI MUFASIL District- East  
Champaran

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1. Bhola Dewan Son of Fida Diwan Resident of Village- Motnaje, P.S-Chiraiya, District- East Champaran.
  2. Karmullah Dewan Son of Bhola Dewan Resident of Village-Motnaje, P.S-Chiraiya, District-East Champaran.
  3. Muskan Praveen Wife of Karmullah Dewan Resident of Village-Motnaje, P.S-Chiraiya, District-East Champaran.
  4. Raju Dewan Son of Bhola Dewan Resident of Village-Motnaje, P.S-Chiraiya, District-East Champaran.
  5. Jarina Khatoon Wife of Raju Dewan Resident of Village-Motnaje, P.S-Chiraiya, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                            |   |                                                                                      |
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| For the Petitioner/s       | : | Mr.Anshuman Singh, Advocate.<br>Mr. Rakesh Kumar, Advocate.<br>Madhan Jha, Advocate. |
| For the Opposite Party/s : |   | Mr.Nityanand,A.P.P.                                                                  |

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

5      02-12-2019                      This is an application for grant of anticipatory bail in connection with Motihari Muffasil P.S. Case No. 766 of 2018, for the offences under Sections 302 and 328 of the I.P.C.

As per F.I.R, the petitioners have caused to the death of the deceased who happens to be the daughter-in-law of petitioner no.1.

Submission of learned counsel for the petitioners is that no specific allegation has been attributed against them and they were residing separately from the family of the husband of the deceased.

On the other hand learned A.P.P. has opposed the prayer for the bail on the ground that the statement of daughter of the



deceased has been recorded though she has not specifically named all the petitioners but she has stated that all accused persons have killed by poisoning and the visra report is also available which appears is confirmed in the visra by the FSL.

Having heard both sides, considering the above facts as discussed above, I am not inclined to grant privilege of anticipatory bail to the petitioner no.1, who is father-in-law of deceased. Accordingly, prayer for grant of anticipatory bail to the petitioner no. 1 is rejected.

However, considering the fact that petitioner nos. 2 and 4 are the Devar and petitioner nos. 3 and 5 are the Gotni who are living separately and there is no specific allegation against them, let the petitioner nos.2 to 5, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of learned Chief Judicial Magistrate, Motihari, in connection with Motihari Muffasil P.S. Case No. 766 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

With the above direction, the application is disposed of.

**(Vinod Kumar Sinha, J)**

Rahul Mishra/-

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