

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73254 of 2018

Arising Out of PS. Case No.-70 Year-2018 Thana- NAUHATTA District- Rohtas

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1. Bhagirathi Chaudhary, Son of Late Ganga Chaudhary
 2. Sonmatiya Devi, Wife of Bhagirathi Chaudhary Both are R/o Village-Daranagar, P.S. Nauhatta and the Distt.-Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sinha

For the Opposite Party/s : Mr. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-01-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 302 and 201/34 of the IPC.

The prosecution case, as per the written report of Binod Sao, dated 08.06.2018, submitted to the Station House Officer, Navhatta Police Station, is to the effect that the informant's sister, Dewanti Devi was married with Jitendra Choudhary about 14 years prior to the lodging of the present case. Subsequently, she was blessed with three children. On 07.06.2018, the informant received information through mobile that his sister has been killed by her in-law family members,



who brutally assaulted her. When the informant reached the house of the in-laws of his sister, he found her dead body locked in the house, while the accused persons were not present there. The dead body was taken out after breaking the lock. On enquiry being made from the children of the victim, they revealed that the victim was assaulted and killed by the elder brother of the husband of the victim and his wife. Consequently, the postmortem was performed. It is alleged against the petitioners that they confined the children of the victim.

It is submitted by learned counsel for the petitioners that the petitioners are not related to the in-laws family of the victim and they have only given shelter to the children of the victim, since the in-laws family members of the victim, after her death, had escaped from the scene. It is further submitted that the children of the victim have not alleged anything against the petitioners, rather they alleged that the elder brother of the husband of the victim and his wife have killed their mother. The postmortem report does not suggest any injury on the body of the victim. Cause of death has not been ascertained and the viscera has been preserved, which gets reflected from the impugned order.

Learned APP submits that the petitioners have confined the



children of the victim.

Considering the fact that there is no eye-witness to the occurrence and the FIR has not been registered with accusation of confinement of the children of the victim by the petitioners, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioner 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 JM, Dehri (Rohtas) in connection with Nauhatta P.S. Case No. 70 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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