

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56416 of 2019

Arising Out of PS. Case No.-58 Year-2019 Thana- KHODAWANDPUR District- Begusarai

1. RANI DEVI Wife of late Dabloo Kumar @ Late Daboo Kumar Resident of Village- Mushahari, P.S. Khodabandpur, District- Begusarai.
2. Fudki Devi Wife of Ram Shankar Das Resident of Village- Mushahari, P.S. Khodabandpur, District- Begusarai.
3. Ramshankar Das Son of Late Kripali Das Resident of Village- Mushahari, P.S. Khodabandpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai, Adv.
For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 04-12-2019 Heard learned counsel for the petitioners as well as
learned APP.

Learned counsel for the petitioner has submitted that there is no eyewitness. Instant case has been registered at the instance of father of the deceased on mere illusion. The allegation of administering poison at the end of petitioners including others is not at all found substantiated.

It has been submitted that from the case diary, it is evident that as petitioner no. 1, wife of deceased is a beautiful lady while the deceased was comparatively ugly, whereupon, he was suffering from depression, as a result of which, he himself



committed suicide while was staying at his Sasural, where he had gone on the eve of Phaldan of his Sali, Khushbu. That being so, petitioners are entitled for bail.

Learned APP opposed the prayer and submitted that petitioner no. 1, the wife, was not inclined to stay with the deceased whereupon, was at her Maika along with a daughter aged about two years and, her declination to join the company, was the major cause in the background of her glammers look, being an additional factor.

Informant, father of the deceased, filed the written report alleging, *inter alia*, that the deceased had gone to his Sasural on 27.03.2019 to bring his wife. It has also been disclosed that *inter se* relationship was not cordial. The deceased on 27.03.2019 at about 6:30 PM informed over mobile that friend of his Sala, namely, Bipin Das, wife, Rani Devi, father-in-law, Ram Shankar Das, mother-in-law, Fudki Devi, wife of Sala, Sali, Khushbu manhandled him and then administered poison. They have also taken away Rs. 15,000/- (May be 1 Lac 15,000), ATM Card. He is going to die, so come soon and save me. The informant became perplexed and with his well wishers rushed to the Sasural of the deceased where he was on the verge of death. He narrated the incident. Then



thereafter, he was taken to the local doctor, Dr. Sanjay Kumar who, after seeing his condition, referred to, whereupon, while deceased was being carried to Begusarai, died in the midst of way.

Gone through the case diary wherefrom, it is evident that none is an eyewitness to occurrence. Two sets of evidences are there. One set is at the end of prosecution party who conjointly made all the persons responsible for administering poison in the background of the fact that the spouses were in strained relationship because of appearance of the wife to be superior to the deceased. The other kind of evidence happens to be that the deceased had gone there on the eve of Phaldan of his Sali and for that, they have gone to Gopalpur (Akopur). After Phaldan, the deceased had complained with regard to uneasiness whereupon, he was carried from Gopalpur to Khudawandpur, Mushahri and there he divulged that he has taken poison.

Local doctor, Dr. Sanjay Kumar has been examined under para-28 and the last leg of his statement has got relevancy wherein the deceased had directed his father to accompany his daughter but should not allow his wife to accompany and it suggests otherwise then normal phenomenon whereupon, prayer for bail of petitioner no. 1, Rani Devi is, hereby, rejected.



So far remaining petitioners are concerned, they are, namely, Fudki Devi and Ramshankar Das are directed to be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of SDJM, Begusarai in Khodabandpur PS Case No. 58 of 2019.

(Aditya Kumar Trivedi, J)

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