

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72539 of 2019

Arising Out of PS. Case No.-340 Year-2019 Thana- TURKAULIYA District- East
Champaran

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1. JAFRINA KHATOON W/o Muslim Ansari R/o village- Ajgari Ward No. 2,
P.S.- Banjariya, District- East Champaran
 2. Jareena Khatoon W/o Majre Alam R/o village- Ajgari Ward No. 2, P.S.-
Banjariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Singh

For the Opposite Party/s : Mr.Pancha Nand Pandit

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 11-12-2019 Heard the learned counsel for the petitioners

and the State.

The petitioners, who are sisters-in-law of the
deceased, seek bail in anticipation of their arrest in
connection with Turkauliya (Banjariya) P. S. Case No.
340 of 2019 dated 01.06.2019 instituted for the
offences under Sections 302 and 34 of the Indian Penal
Code.

The informant, who is the brother of the
deceased, has alleged that his sister was always



assaulted at the hands of her husband, who is a drunkard. On the fateful day, the petitioners and others are said to have assaulted the deceased, whereafter her husband strangled her to death.

Mr. Binod Kumar Singh, learned counsel for the petitioners has submitted that merely because the petitioners stay under the same roof as the wives of the brothers of the husband of the deceased, they have been made accused in this case with general and omnibus allegation against them. In fact, the allegation of killing the deceased is on her husband who is said to have strangled her. The inquest report only indicates that the deceased died because of internal injuries caused by assault. No external injuries were found during the inquest. However, the post-mortem report, which has been produced for inspection of this Court by the learned counsel for the petitioners indicates that there are two external injuries namely bleeding from nose and bruise on both sides of the face and upper



portion of the cheek. The aforesaid two injuries do not seem to be the cause of death. There is no report with respect to any internal injury but the cause of death surprisingly has been stated to be shock and hemorrhage due to hard and blunt substance.

Learned counsel for the petitioners submits that the opinion of the cause of death therefore is not in conformity with the injuries which were found on the person of the deceased in post-mortem.

In any view of the matter, since the petitioners are only alleged to have assaulted the deceased but such accusation has been made in a general and non-specific manner, this Court is inclined to grant anticipatory bail to them.

For the reasons afore-stated, this petition is allowed.

The petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four



weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Turkauliya (Banjariya) P. S. Case No. 340 of 2019 , subject to the conditions as laid down under Section 438 (2) Cr.P.C.

While saying so, this Court has taken note of the fact that the husband of the deceased is in custody.

(Ashutosh Kumar, J)

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