

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48857 of 2018

Arising Out of PS. Case No.-345 Year-2017 Thana- HUSSAINGANJ District- Siwan

1. Sunaina Devi W/o Bhamdeo Sah.
 2. Bhamdeo Sah S/o Ram Prit Sah.
 3. Jitendra Sah S/o Bhamdeo Sah.
 4. Mithilesh Sah S/o Bhamdeo Sah.
 5. Lakshami Kumari D/o Bham Deo Sah.
- All are R/o Vill.- Rashidpur, P.S.- Hussainganj, District- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate.
For the Opposite Party/s : Dr. Indiar Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

7 25-04-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Hussainganj P.S. Case No.345 of 2017 registered under Sections 328 and 302/34 of the Indian Penal Code.

The allegation of the informant Priyanka Devi is that her uncle Ashok Sah, aged about 35 years, was married with Babita Devi, daughter of Bhamdeo Sah (petitioner no.2), resident of village-Rashidchak, P.S. Hussainganj, District-Siwan. The sasural people of her uncle had lodged a case against them under the Dowry Prohibition Act. For the last few



days, her uncle Ashok Sah used to reside in sasural village-Rashidchak at the house of his father-in-law Brahamdeo Sah (petitioner no.2) and her uncle was being pressurized by his wife Babita Devi and other in-laws to sell his land and to reside in sasural village. While her uncle Ashok Sah was not ready for the same but, in spite of that, he was being pressurized by them to sell the land of his own share. On 07.12.2017, Babita Devi and Sunaina Devi (petitioner no.1), wife and mother-in-law respectively of her uncle Ashok Sah, came with the dead body of her uncle Ashok Sah. The informant raised suspicion that her uncle Ashok Sah was killed by his wife and other in-laws including the petitioners by administering poison.

Learned counsel appearing on behalf of the petitioners submits that the petitioner no.1 is mother-in-law, petitioner no.2 is father-in-law, petitioner nos.3 and 4 are brothers-in-law and the petitioner no.5 is sister-in-law of the deceased Ashok Sah. It would appear from the F.I.R. that after death, the dead body of the deceased Ashok Sah, was taken to his house by his wife and mother-in-law but, on mere suspicion, the informant, who is the niece of the deceased Ashok Sah, has lodged the present case. It has also come in the statement of Sarita Devi, which is detailed in paragraph-22 of the case diary, that the deceased used to



reside in a rented room at her house and two days earlier when the deceased was ill, his mother-in-law (petitioner no.1) and wife had come and taken him for treatment. It would also appear from the statement of the doctor, as detailed in paragraph-27 of the case diary, that the deceased was brought at his clinic by the petitioner no.1 and his wife and on query, they disclosed the name of the patient as Ashok Sah, who was ill and prescription of medicine was also given for consuming the same to him. As such, the deceased did not use to reside at his sasural house, rather he used to reside in a rented house. After the death of the deceased Ashok Sah, the informant has lodged the present case implicating the petitioners, due to filing of a case under Section 498-A of the Indian Penal Code against her family members.

On the other hand, learned A.P.P. for the State opposed the prayer of the petitioners for grant of anticipatory bail and submits that in the viscera of the dead body of the deceased, aluminum phosphate, commonly known as sulphas, was detected.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be



enlarged on bail on their furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand) each with two sureties of the like
amount each to the satisfaction of the Chief Judicial Magistrate,
Siwan, in connection with Hussinganj P.S. Case No.345 of
2017, subject to the conditions laid down under Section 438(2)
Cr.P.C.

(Rajendra Kumar Mishra, J)

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