

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5794 of 2020**

Arising Out of PS. Case No.-184 Year-2019 Thana- JHAJHA District- Jamui

1. CHINTA DEVI Wife of Mathura Yadav Resident of Village - Lohjara, P.S.- Jhajha, District - Jamui.
2. Mathura Yadav Son of Jageshwar Yadav Resident of Village - Lohjara, P.S.- Jhajha, District - Jamui.
3. Rani Devi Daughter of Mathura Yadav Resident of Village - Lohjara, P.S.- Jhajha, District - Jamui.
4. Sarswati Devi Daughter of Mathura Yadav Resident of Village - Lohjara, P.S.- Jhajha, District - Jamui.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate
For the Opposite Party/s : Ms.Rita Verma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 01-09-2020 Heard learned counsel for the petitioners and Ms. Rita Verma, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Jhajha P.S. Case No. 184/2019 registered for the offences punishable under Sections 304(B) and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioner no. 1 is the mother-in-law, petitioner no. 2 is the father-in-law and petitioner no. 3 and 4 are sister-in-law (Nanad) of the deceased. It is submitted that in course of investigation all the co-villagers have stated that on the alleged date of occurrence the



deceased was not in good health, she was crying of pain in stomach and the villagers had gone to see her. It is also stated by the witnesses that while she was being taken to the Doctor she died. It has also come in investigation that the Nanad Saraswati Devi (petitioner no. 4) is living in her Sasural and the father-in-law of the deceased had at the relevant time gone in the field with the animals.

Learned counsel has further pointed out from the post-mortem report it would appear that no external injury whatsoever was found on the body of the deceased and the cause of death is said to be Anemia. The case of the prosecution thus does not find support from the materials collected in course of investigation.

Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners by referring to the observations made in the impugned order, however having noticed the submissions on behalf of the petitioners and the materials which are present in the case diary and even in those paragraphs which has been mentioned in the impugned order, this Court finds that the petitioners are able to make out a case for grant of anticipatory bail. There being no independent material against them and in fact one of them is residing in her Sasural as has come in the case diary and others were not there, no injury on the body has been found on the deceased otherwise the petitioners have no criminal antecedent, let



the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Jhajha P.S. Case No. 184/2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Jamui, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

