

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14828 of 2020**

Arising Out of PS. Case No.-795 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

1. MONI KUMARI @ MONI DEVI @ MONA DEVI, W/o Sanjit Thakur,
2. Chinta Devi @ Chita Devi, W/o Shadhu Sharan Thakur
All are Residents of Village- Basudeopur Chaputa, P.S.- Hajipur Sadar,
Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore, Adv.

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 09-09-2020 Heard the parties through the virtual court proceeding.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 302, 328, 365, 120 (b) of the Indian Penal Code.

Allegation against the petitioners is of committing torturing due to non-fulfillment of demand of dowry and administering the poison to the deceased.

Learned counsel for the petitioners submits that the petitioners are quite innocent and had never demanded any sort of dowry during last 10 years since marriage. Petitioner no. 1 is Gotani and petitioner no. 2 is mother-in-law of the deceased and they are living separately in meal and mass and have nothing to do with the family affairs of the deceased. Mother-in-law of the victim further submits that the statement of the daughter Rikki



Kumara @ Kinki Kumari clearly shows create pressure upon her father to get partition of landed property from his parents and his brother and the husband of deceased denied from doing so and due to which the deceased quarrel with others. She has further states that on 19.11.2019 her mother (deceased) went in to Kitchen and mixed something in the milk and gave the same to her and his brother and she also took something there after the condition of her as well as his brother and her mother became serious. It further submits that during course of investigation of Rikki Kumara @ Rinki Kumari clearly also stated that she called her grant father and seeing the miserable condition of her as well as her brother and her mother they were taken away to Hajipur hospital where medicine an injection were given to them but her mother condition became more critical and thereafter, her mother was taken away to another doctor but she died on the way of another doctor.

Learned counsel for the petitioners further submits that there is three days delayed in lodging the FIR and there is no reasonable ground has been given for such delay. During the course investigation the husband of the deceased namely Ranvijay Thakur also stated that he informed his in-laws about the occurrence and upon such information the informant along



with others came at hospital and after gap of more than two days without any cause the present case has been lodged. The petitioners have got no criminal antecedent.

Learned counsel for the informant submits that there is no name of hospital or doctor disclosed by them where victim had been treated.

Learned APP for the State opposes the prayer for bail petition.

In the aforesaid facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Vaishali at Hajipur in connection with Hajipur Sadar P. S. Case No. 795 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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