

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 16869 of 2020

Arising Out of PS. Case No.-400 Year-2019 Thana- PAKRIDAYAL District- East Champaran

1. JIAN DEVI Wife of Kapil Dev Prasad Resident of Village - Sirha, P.S.- Pakarideyal, Distt - East Champaran.
2. Kapil Dev Prasad Son of Late Mahadev Prasad Resident of Village - Sirha, P.S.- Pakarideyal, Distt - East Champaran.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-08-2020 This case has been heard through video-conferencing.

Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Section 302/34 of
the Indian Penal Code.

As per the prosecution case, the informant's sister
was married with one Rambabu Prasad about 15 years ago but
her husband died due to illness 8-9 years ago. Thereafter, the
informant's sister was married with younger brother of Rambabu
Prasad, namely, Krim Kumar with consent of his family
members. After six months of marriage, she was subjected to
cruelty for non-fulfillment of demand of Rs.2,00,000.00,



motorcycle and ornaments. On 26.12.2019, he was informed by the villagers that his sister has been murdered by the accused persons named in the written report. Thereafter, he went there and handed over the dead body to the police.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. Petitioner no.1 is mother-in-law and petitioner no.2 is father-in-law of the deceased. They are living separately and have no concern with the day to day affairs of the deceased or the Krim Kumar. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. As a matter of fact, deceased Namita Devi was not married to Krim Kumar. She was living her life separately as a widow of Rambabu Prasad. The alleged second husband of the deceased is in custody. Petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of



the learned 5th Additional Chief Judicial Magistrate, East
Champaran at Motihari in connection with Pakarideyal P.S.
Case No.400 of 2019, subject to the condition as laid down
under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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