

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18529 of 2019**

Arising Out of PS. Case No.-206 Year-2018 Thana- RANIYATALAB District- Patna

1. Manish Kumar Son of Kapurchand Chaudhary @ Jaddi Chaudhary Resident of Village - Dhana, P.S.- Rani Talab, Distt.- Patna.
2. Poonam Devi Wife of Late Shiv Chaudhary , D/o kapurchand Chaudhary @ jaddi Chaudhary Resident of Village - Dhana, P.S.- Rani Talab, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shyameshwar Kumar Singh, Advocate  
Mr. Pramod Singh, Advocate  
For the Opposite Party/s : Mr.Ajeet Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

8      14-02-2020      Heard learned counsel for the petitioners and learned APP  
for the State.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in a case registered for the offence under sections 328, 302 and 34 of the Indian Penal Code.

As per the allegation in the FIR, the elder brother of the informant was married to the petitioner no. 2 in the year 2014. In course of dispute between the husband and wife, it is stated that his mother-in-law used to reach there and used to threaten the informant's elder brother. It is stated that on 31.7.2018 he received information from his brother's wife i.e. the petitioner no. 2 that his brother was seriously ill and his treatment was



going on in Paliganj Hospital. It is stated that on the informant reaching there, his elder brother stated that he should be taken to Arwal or else he would die there. While making arrangement for shifting his brother to Arwal, it is stated that his brother died in Balajee Hospital, Paliganj.

It is submitted by learned counsel for the petitioners that the petitioners happen to be the brother-in-law (Sala) and the wife of the deceased. Initially the case was registered under sections 372, 328 and 34 of the Indian Penal Code, however, subsequently in course of investigation, the police found the case to be one under section 306 of the Indian Penal Code. It is further submitted that from the FIR itself it would be evident that even the deceased on meeting the informant did not say anything adverse against these petitioners. It is further submitted that in course of investigation it has transpired that on her husband falling ill, a jeep was arranged by the petitioner no. 2 as also her mother and he was taken to the hospital for treatment. It is thus, submitted that the steps taken by the petitioners was to get the deceased treated and to save him and there is no direct material implicating them in the case.

The application for bail has been opposed by learned APP for the State.



Having heard learned counsel for the parties and taking into consideration the nature of allegations, the material that has transpired in course of investigation as also the communication between the informant and his elder brother who died subsequently in course of treatment and as has been narrated in the FIR, the Court is inclined to enlarge the petitioners on bail. The petitioners above named, in the event of their arrest or surrender in the Court below within a period of six weeks from today in connection with Rani Talab P.S Case no. 206 of 2018 is directed to be enlarged on bail on each of them furnishing bail bond of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1<sup>st</sup> Class, Danapur Patna subject to the conditions as laid down in section 438 (2) of Criminal Procedure Code.

**(Partha Sarthy, J)**

Prakash/-

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