

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19613 of 2020

Arising Out of PS. Case No.-5 Year-2020 Thana- ROSHANGANJ District- Gaya

1. MALO DEVI Wife of Birendra Yadav Resident of Village- Chandpur, P.O.- Bhaluhar Chaugain, P.S.- Raushanganj, District- Gaya.
2. Puja Devi @ Puja Kumari Daughter of Birendra Yadav Resident of Village- Chandpur, P.O.- Bhaluhar Chaugain, P.S.- Raushanganj, District- Gaya.
3. Muniya Devi @ Kusum Devi Wife of Dhannjay Kumar Yadav Resident of Village- Chandpur, P.O.- Bhaluhar Chaugain, P.S.- Raushanganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shama Sinha

For the Opposite Party/s : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 14-09-2020 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State, through video conferencing.

The petitioners seek regular bail in connection with Raushanganj Police Station Case No. 05 of 2020, registered for the offence punishable under Sections 302/201/120-B/34 of the Indian Penal Code.

The allegation against the petitioners, as per the First Information Report lodged by the wife of the deceased, is that the accused persons did not allow the informant to cook food and upon objection being raised by the husband of the informant



(deceased), the accused persons, named in the First Information Report, assaulted him and after strangulating, killed the husband of the informant and cremated his dead body in association of close agnates and about 20-25 co-villagers in order to conceal the evidence.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to oblique motive and due to family dispute regarding property. She further submits that the petitioner no. 1 is the mother, petitioner no. 2 is the married sister and petitioner no. 3 is the sister-in-law of the deceased. She further submits that the entire family members have been implicated in this case and in course of investigation, no independent witness has come forward to support the case of the prosecution. She further submits that the petitioners are in custody since 11.01.2020.

On the other hand, learned Additional Public Prosecutor, referring to the case diary, submits that some of the witnesses, who are close relatives of the informant, have supported the prosecution case, but it appears that none of the co-villagers have been examined by the police in course of investigation and no independent witness has come forward in support of the prosecution story.



After having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the petitioners are mother, sister and sister-in-law of the deceased and they are in custody since 11.01.2020, I am inclined to grant regular bail to the petitioners.

This application is allowed.

Accordingly, let the petitioners, above named, be released on bail, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati, Gaya, in connection with Raushanganj Police Station Case No. 05 of 2020.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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