

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23496 of 2020

Arising Out of PS. Case No.-39 Year-2016 Thana- RAMNAGAR District- West Champaran

1. Shila Devi @ Sheela Devi, W/o Gorakh Sah, Resident of Village- Churiharwa, P.S.- Ramnagar, District- West Champaran
2. Bijali Sah, S/o Gorakh Sah, Resident of Village- Churiharwa, P.S.- Ramnagar, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rana Vikram Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-09-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in connection with Sessions Trial No.83/2020 (CIS No.39/2020) arising out of Ramnagar P.S. Case No.39 of 2016 registered for the offence punishable



under Section 304B/34 of the Indian Penal Code.

The prosecution case alleges that on 13.02.2016 at 7:00 A.M. a telephonic information was received from the victim that he was being brutally beaten. On the very same day in the evening, she has been taken to the hospital where she has succumbed on account of being administered poison.

It is submitted by the petitioners' counsel that the prosecution case stands belied by the post-mortem report wherein no external injury was found on the person of the deceased. Owing to a dispute with her husband, she has consumed poison herself, leading to the implication of all the family members of the husband by the informant. Under similar circumstances, the father-in-law of the victim was taken in custody on 14.02.2016, whereafter he was allowed bail in Cr.Misc. No.22809 of 2016 on 26.05.2016.

The submission is of false implication. It is also stated on instructions that the husband of the victim is in custody. Petitioner Nos.1 and 2, who are mother-in-law and the elder brother-in-law (*Bhaisur*) of the victim, are in custody since 10.01.2020.

Learned APP for the State has opposed the prayer for bail.



Considering the rival submissions, this Court is inclined to allow the petitioners' prayer for bail.

Accordingly, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge I, Bagaha, West Champaran, in connection with Sessions Trial No.83/2020 (CIS No.39/2020) arising out of Ramnagar P.S. Case No.39 of 2016, subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon by the office to do so.

(Madhuresh Prasad, J)

PNM

U		T	
---	--	---	--

