

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63473 of 2019

Arising Out of PS. Case No.-215 Year-2019 Thana- MAJHAULIA District- West Champaran

1. Bhulai Baitha Son of Gamirka Baitha Resident of Village-Bankat Musahari, P.S-Majhaulia, District-West champaran.
2. Chinta Devi Wife of Bhulai Baitha Resident of Village-Bankat Musahari, P.S-Majhaulia, District-West champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr.Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 05-03-2020 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners in the present case are seeking anticipatory bail in connection with Majhaulia P.S. Case No. 215 of 2019 registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that informant in this case is the father of petitioner no. 1 who has alleged that in the night of 13.05.2019 when he returned home late in night after enjoying a dance programme, he went to sleep and in the morning at about 6.00 A.M. when he woke up and tried to awake his wife she was found dead.



It is alleged by the informant that his daughter-in-law (petitioner no. 2) has at the instance of petitioner no.1 and other named co-villagers have killed the wife of the informant.

Learned counsel submits that from the F.I.R. itself it appears that so far as petitioner no. 1 is concerned, he was not there in house, the allegation against him that at his instance his wife along with others killed the mother but in course of investigation it has been observed by the I.O. that he came to know from the co-villagers that wife of the informant had committed suicide by hanging herself and this is also corroborated from the post mortem report.

Learned counsel also submits that the informant in order to falsely implicate the several persons impleaded the next door neighbours also in the case and it is nothing but a case of false prosecution of the petitioners.

Learned A.P.P. for the State having gone through the case diary accepts that in course of investigation the I.O. has come to know that the wife of the informant has committed suicide.

In the given facts and circumstances of the case, considering the fact that petitioner no. 1 who was not said to be present in the house and it has come in course of investigation



that wife of the informant has committed suicide, let the petitioners above named in the event of their arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran in connection with Majhulia P.S.Case No. 215 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

vats/-

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