

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79325 of 2019

Arising Out of PS. Case No.-112 Year-2019 Thana- GURARU District- Gaya

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Dharmdeo Bhagat, aged about 60 years, male, Son of Late Samundar Bhagat,
Resident of Village - Barorah, P.S. - Guraru, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 06-03-2020 The petitioner, who is in custody since

07.09.2019, seeks bail in connection with Guraru P.S.

Case No. 112 of 2019, dated 19.08.2019, instituted for

the offences under Sections 302, 328, 201 and 120B of

the Indian Penal Code.

The petitioner is the father-in-law of the

deceased.

The father of the deceased has lodged the



F.I.R. alleging that he had married his daughter (deceased) with one Sunil Pal, who is the son of the petitioner and out of the wedlock, two sons were born. Because of the partition dispute in the family, it has been alleged in the F.I.R., the family members always fought amongst themselves. One of the nephews of the son-in-law of the informant informed him on telephone that the deceased has been admitted in hospital for treatment of an illness and that she is not in good condition. Later, the informant was told that the deceased had died. It has further been alleged in the F.I.R. that after assaulting the deceased, she and one of her sons have been administered poison leading to their death. Thus, the daughter and the grandson of the informant have died.

After reading the F.I.R., this Court has discerned that the husband of the deceased has not been made accused in this case. There is no allegation of any *inter se* dispute between the deceased and her husband. Admittedly, there has been a history of family squabble over partition. This is a peculiar circumstance where a



lady of the house and her young son were found to be dead.

The father of the deceased has raised allegations against the entire family except the husband of the deceased, alleging that the deceased and her son were administered poison. This inference of the informant appears to be based on no credible source.

Learned counsel for the petitioner has argued that if the property dispute was the reason for killing the deceased and her son, the case would have been lodged by the husband of the deceased against his own brothers and father. A daughter-in-law of the family does not get a specific share in property and her share is limited to the share of her husband, albeit the grandson may have a share in the family property. However, the death of the deceased and her son gives rise to a different scenario in the house. There could be no possible reason for the husband of the deceased remaining a mute spectator, when no history of inter personal matrimonial dispute has been referred to in the F.I.R., to the killing of the



deceased who are non-else but his wife and minor son.

In this background, the argument of the learned counsel for the petitioner that in a private dispute between the husband and the wife, the deceased (wife) consumed poison and also administered poison to her son as a retaliation, appears to be a plausible reason for the death. This is further buttressed by the *postmortem* report which does not indicate any external injury on the person of the deceased. The opinion regarding the cause of death also could not be ascertained and *viscera* was sent for chemical examination and the report is still awaited.

In this background, it has been submitted that the petitioner being an old person, who gets nothing with the death of his daughter-in-law and grandson, be granted bail.

Considering the aforestated facts and the period of custody of the petitioner as also the nature of accusation against him which is based on inference and hearsay, he is directed to be released on bail on his



furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Vth, Gaya in connection with Guraru P.S. Case No. 112 of 2019.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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