

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83916 of 2019

Arising Out of PS. Case No.-138 Year-2019 Thana- GAUTAMBUDHNAGAR District-
Siwan

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1. SATYENDRA MISHRA @ SATYENDRA KUMAR MISHRA Son of Late Anand Mishra @ Anand Kumar Mishra Resident of Village-Khamhauri, P.S-G.B.Nagar, District-Siwan.
 2. Santosh Mishra Son of Late Anand Mishra @ Anand Kumar Mishra Resident of Village-Khamhauri, P.S-G.B.Nagar, District-Siwan.
 3. Sindhu Devi Wife of Santosh Mishra Resident of Village-Khamhauri, P.S-G.B.Nagar, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Dwivedi
For the Opposite Party/s : Mr. B. N. Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 10-07-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioners apprehend their arrest in G.B. Nagar P.S. case No. 138/2019 registered under Section 302, 328 of the IPC.

The father of the deceased disclosed in his statement that on 24.05.2019 he received information that his daughter was poisoned to death by her in-laws. The informant after receiving such information went to the house of his daughter and found the dead body of his daughter lying there. The



accused persons were arranging for cremation of his daughter but when the informant informed the police officials the accused persons fled away. The informant further alleged that his son-in-law had illicit relation with his sister-in-law that is why all the accused persons poisoned his daughter to death.

The learned counsel for the petitioners submits that petitioners are brothers-in-law and sister-in-law (Gotini) of the deceased. There is no eye witness of the occurrence. The informant alleged that his daughter was poisoned to death but in fact daughter of the informant accidentally fell down in the house and got injuries and on account of such injuries she died. Viscera was kept preserved but report from FSL has not been received. It is further submitted that the informant later on filed petition that due to wrong information he filed the case but from perusal of the FIR and post mortem report, it appears that deceased died on head injury. Petitioner Nos.1 and 2 are own brothers of husband of the deceased and they are alleged to have killed the deceased. Head injury was found on account of which the deceased died.

Taking into consideration the facts aforesaid, I am not inclined to enlarge petitioner Nos.1. Satyendra Mishra @ Satyendra Kumar Mishra and 2. Santosh Mishra on anticipatory



bail. Accordingly, the same is rejected.

So far as case of petitioner No.3 is concerned, she is a lady and she happens to be sister in law of the deceased.

Considering the facts aforesaid, the petitioner No. 3, namely, Sindhu Devi, in the event of her arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on her furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with G.B. Nagar P.S. case No. 138/2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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