

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25253 of 2020

Arising Out of PS. Case No.-1 Year-2020 Thana- MAHKAR District- Gaya

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1. Punam Devi @ Punam Kumari, W/o Sarju Chaudhary @ Sajju Kumar Resident of Village-Saren, P.S.-Nimchak Bathani, District-Gaya.
 2. Sarju Chaudhary @ Sajju Kumar, S/o Suresh Chaudhary Resident of Village-Saren, P.S.-Nimchak Bathani, District-Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 29-01-2021 Heard Mr. Sanjeev Kumar, learned Counsel for the petitioners and Mr. Matloob Rab, learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Mahkar Police Station Case No. 01 of 2020, disclosing offences under Sections 328, 302/34 of the Indian Penal Code.

The allegation, as per First Information Report is that the marriage of the informant was solemnized with the deceased about 15 years back and she has four children out of the said wedlock. It has further been alleged that the husband of the informant was having live-in-relation with the mother of the



petitioner No.1 for the last about three years. On 04.01.2020, in the morning, the informant got information that co-accused, Kunti Devi, along with petitioners and other accused persons have killed the husband of the informant by administering poison.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to oblique motive merely due to the fact that deceased was living with the mother of the petitioner No.1 and there was live-in relationship between them. Learned counsel next submits that petitioner No.2 is husband of petitioner No.1, who resides in her matrimonial home along with her husband and they have no concern with the live-in relationship of co-accused, Kunti Devi, with the deceased. Learned counsel further submits that Kunti Devi, mother of the petitioner No.1, has been granted regular bail by this Court vide order dated 08.01.2021 passed in Cr. Misc. No.18646 of 2020. Learned counsel also submits that the deceased was alcoholic and was suffering from tuberculosis and this fact has come in the case diary during course of investigation by the police.

Having regard to the submissions made by the parties and taking into consideration the materials on record and



the fact that the petitioner No.1 is married daughter of the co-accused, Kunti Devi, living separately from her and Kunti Devi has been granted bail by this Court in Cr. Misc. No.18646 of 2020, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner No.1, Punam Devi @ Punam Kumari and petitioner No.2, Sarju Chaudhary @ Sajju Kumar, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Gaya, in connection with Mahkar Police Station Case No. 01 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

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

(Anil Kumar Sinha, J)

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