

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31169 of 2020

Arising Out of PS. Case No.-64 Year-2020 Thana- BALRAMPUR District- Katihar

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1. MD. ABEDA Son of Late Abdul Resident of Village - Birnagar, P.S. - Balrampur, District - Katihar.
 2. Dilwari Bibi @ Dilwari Bibi Wife of Md. Abeda Resident of Village - Birnagar, P.S. - Balrampur, District - Katihar.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate
	:	Mr. Harish Chandra Patel, Advocate
	:	Mr. Md. Musafir, Advocate
For the Opposite Party/s	:	Mr. R. B. Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 02-03-2021 Heard learned counsel for the petitioners and Mr. R. B. Raman, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Balrampur P.S. Case No. 64 of 2020 registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that these petitioners are the father-in-law and mother-in-law respectively of the deceased and they have no role to play in the death of the daughter of the informant. Learned counsel further submits that in course of investigation it has come that the deceased had been found in an illicit relationship with her devar who is a co-accused in this case and when she was found with her devar, out of her



own embarrassment, she consumed poison.

Learned A.P.P. for the State has opposed the prayer for pre-arrest bail of the petitioners. It is submitted that as per the F.I.R. the husband of the deceased was living at Mumbai for purpose of his employment and there are allegations that in absence of her husband these petitioners and devar had been indulging in quarrel with the deceased and she was beaten also. It is the submission of the learned A.P.P. for the State that in the inquest report the injury on the elbow has been noticed, but in the post-mortem report no injury has been noticed by the doctor and the cause of death is said to be a suspected case of poison. He has further submitted that so far as these two petitioners are concerned, no independent witness has come forward to say that they were torturing the deceased.

Having regard to the facts and circumstances of the case, in the nature of the materials which have been placed before this Court by learned A.P.P. for the State, let the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Balrampur P.S. Case No. 64 of 2020 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Katihar, subject to the conditions 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.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

