

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33904 of 2020

Arising out of PS. Case No.-542 Year-2019 Thana- DHANARUA District- Patna

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Lalita Devi, (female), aged about 70 years, Wife of Rajballam Yadav,
Resident of Village - Madahipar, P.S.- Dhanarua, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate
For the State : Ms. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 19-05-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ajay Kumar Sinha, learned counsel for the petitioner and Ms. Renu Kumari, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Dhanarua PS Case No. 542 of 2019 dated 31.12.2019, instituted under Section 304(B)/34 of the Indian Penal Code.

4. The petitioner is the mother-in-law of the deceased, who is alleged to have been done to death by her and her family members after assaulting her.

5. Learned counsel for the petitioner submitted that death occurred on 30.12.2019, whereas there was separation between the husband of the deceased who was the younger son of the petitioner and the elder son on 04.05.2017 itself and the



property having been divided, the petitioner was living with the elder son at Jehanabad since then. It was submitted that even on the date of occurrence, the petitioner was not present at the house and whatever happened was between the deceased and her husband. It was submitted that the husband of the deceased i.e., the younger son of the petitioner is in custody. Learned counsel submitted that the wife of the elder brother namely, Archana Devi @ Aparna Devi, who has also been made an accused has been granted anticipatory bail by a co-ordinate Bench by order dated 24.02.2021 passed in Cr. Misc. No. 32116 of 2020. It was submitted that the petitioner has no criminal antecedent.

6. Earlier the Court had asked the learned APP to obtain the up-to-date legible copy of case diary and a report as to whether there has been separation with regard to the ancestral house of the petitioner and whether on the fateful day, she was present in the house where death occurred as also the inquest and postmortem reports.

7. Learned APP, from the case diary, submitted that nothing has come to indicate that there was any separation and rather it has come that the petitioner and her husband were at the house when death occurred. It was submitted that the injuries on the wrist and the head have been found on the deceased and in fact



without informing the informant the body was being taken for being burnt and only when the informant came with police the body was seized and postmortem conducted. It was submitted that the petitioner being the guardian of the house, being mother-in-law of the deceased, cannot be said to be innocent and she also cannot abdicate her responsibility. Further, it was submitted that a plain reading of the so-called partition between the parties reveals that absolutely not even one detail of any property has been mentioned and only a vague statement has been made that there is a partition. It was submitted that such document clearly indicates that it is an afterthought and a created document since there cannot be partition without actually mentioning the details of the property and the proportion of the same allotted to the concerned parties. It was submitted that the same is only a sham document as it only states that there has been partition and the elder brother and his family is living at Jehanabad, which can in no way be considered to be a partition agreement.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

9. Accordingly, the application stands dismissed.



10. Interim protection given to the petitioner under order dated 05.04.2021 stands vacated.

(Ahsanuddin Amanullah, J)

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