

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36714 of 2020

Arising Out of PS. Case No.-55 Year-2019 Thana- JIRADEI District- Siwan

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1. Vijay Barnawal @ Vijay Prasad, S/O Late Satya Narain Barnawal R/O Village Badheya, Ps- Zeeradei, District - Siwan.
 2. Kiran Devi @ Kiran Barnawal, W/O Raju Barnawal R/O Village Badheya, PS- Zeeradei, District - Siwan (Bhabhi Of Deceased)

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Kant- Advocate

For the Opposite Party/s : Mr. Dilip Kumar No.1- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 26-10-2021 Heard the learned Advocate for the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Zeeradei P. S. Case No.55 of 2019, instituted for the offences under Sections 328, 302, 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the informant, who is the *Samdhi* of the petitioner no.1, has alleged in the F.I.R. that the marriage of his daughter was solemnized with the son (deceased) of the petitioner in the Year 2017, but on 14.06.2019 the informant received a telephonic call from his daughter that her husband (deceased) has been taken away on



roof by her in-laws and they had given him something to eat, as a result of which, he died.

The learned counsel for the petitioners submits that petitioner no.1 is the father of the deceased and petitioner no.2 is the *bhabhi* of the deceased and they have been falsely implicated in this case by the informant. The learned counsel for the petitioners further submits that the present case is a counter-blast of Jeeradei P. S. Case No.54 of 2019, which was instituted by the petitioner no.1 of the present case against his two sons, daughter-in-law and the informant of the present case. The learned counsel for the petitioners further submits that both the sons of the petitioner were habitual drunker and they were sent to jail earlier on the complaint made by the petitioner no.1. The learned counsel for the petitioner further submits that there is no eye witness to the alleged occurrence and it cannot be presumed that petitioner, who is 71 years old and the father of the deceased along with her daughter-in-law would kill his own son.

The learned counsel further submits that similarly situated co-accused Urmila Devi, the mother of the deceased, has been granted anticipatory bail by a Bench of this Court vide order dated 04.09.2020 passed in Cr. Misc. No.16196 of 2020.

Considering the facts and circumstances of the case in



its totality, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Siwan in connection with Zeeradei P. S. Case No.55 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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