

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63425 of 2018

Arising Out of PS. Case No.-112 Year-2017 Thana- PAROO District- Muzaffarpur

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Dhanpati Devi, W/o Bhulan Rai R/o Village-Gopalpur P.S. Paroo, Distt.-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Kumar- Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur- A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 30-09-2021 Heard Mr. Anish Kumar, the learned Advocate for the

petitioner and Mr. Jai Narain Thakur, the learned APP for the

State.

The petitioner, who is the mother-in-law of the
deceased, seeks bail in anticipation of his arrest in connection
with Sessions Trial No.143 of 2018 arising out of Paroo P. S.
Case No.112 of 2017, instituted for the offences under Sections
328, 302, 34, 201 of the Indian Penal Code.

Two of the accused persons of this case are said to
have been acquitted in the trial.

Considering this aspect of the matter, this Court had
called for the report about the stage of the case from the Court
below. Unfortunately the report which has been sent by the
Court below is absolutely cryptic and does not disclose the



entire facts. The learned Judge has not stated as to under what circumstances the case of the other two accused persons was separated. It has also not been stated whether any proceeding under Sections 82-83 of the Cr.P.C. has been initiated against the petitioner.

In any view of the matter, the concerned Judge is directed to be more careful in future while sending the report to the High Court. The purpose of seeking the report from the court below is to know the current status of the case, but not doing all information in the report only reflects the casual approach of the judge concerned.

In any view of the matter, the accusation against the petitioner is of having administered poison to the deceased, who is the daughter-in-law. During the course of trial of the other accused persons, it came to light that the deceased had died a natural death. An occurrence of assault had taken place when the deceased had asked for her share in a tree which had fallen in the storm. Assuming but not admitting, it has been argued that the deceased may have been assaulted but the cause of death is not referable to the assault perpetrated on the deceased. It also could not be ascertained as to under what manner the deceased was poisoned to death.



Considering the afore-noted facts and taking into account that the father in-law of the deceased has been acquitted, the petitioner, above-named, in the event of her arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on her furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 9th Additional Sessions Judge, Muzaffarpur in connection with Sessions Trial No.143 of 2018 arising out of Paroo P. S. Case No.112 of 2017, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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