

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7849 of 2021

Arising Out of PS. Case No.-118 Year-2020 Thana- BISFI District- Madhubani

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1. Sita Devi, aged about 58 years, W/o Vasu Deo Das @ Basudeo Das Resident of Village - Balha Ghat, P.S.- Bisfi, Distt.- Madhubani.
 2. Vasudeo Das @ Basudeo Das, aged about 60 years, Son of Late Shibu Das Resident of Village - Balha Ghat, P.S.- Bisfi, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Ravi Prakash, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur. APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 08-09-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek bail in Bisfi PS Case No. 118 of 2020, instituted for the offence under Section 302/34 of the



Indian Penal Code.

The petitioner Nos.1 and 2 are the mother-in-law and father-in-law of the victim respectively. The allegation is that the victim has been poisoned at her matrimonial home.

Learned counsel for the petitioners submits that the death has occurred at the matrimonial home long before seven years and, therefore, no case has been alleged under Section 304 (B) of the Indian Penal Code. The case is one under Section 302 of the Indian Penal Code. The prime responsibility of the victim was with the husband. By virtue of their relationship, the instant petitioners have been implicated. They have no concern whatsoever with day to day affairs of the victim with her husband. Petitioner No.1 is in custody since 24.05.2020 whereas petitioner No.2 is in custody since 19.04.2020.

Earlier, this Court had requisitioned report from the F.S.L. which has been received. The report dated 31.08.2021 sent by the Regional Forensic Science Laboratory, Muzaffarpur, has reported that no Metallic, Alkaloidal, Glycosidal, Pesticidal and Volatile poison could be detected.

The learned APP representing the State has opposed the prayer for bail. He, however, submits that the victim has died at her matrimonial home and the petitioners would be responsible.



Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed. Let the petitioners, above named, 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 the learned Additional Chief Judicial Magistrate-1, Benipatti, District- Madhubani, in connection with Bisfi P. S. Case No. 118 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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