

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15268 of 2021

Arising Out of PS. Case No.-54 Year-2020 Thana- PAKRIDAYAL District- East Champaran

MOST GULABI DEVI @ GULABI DEVI W/o Late Hira Sah Resident of
Village - Mathia (Dumarwana), P.S.- Pakaridayal, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 29645 of 2021

Arising Out of PS. Case No.-54 Year-2020 Thana- PAKRIDAYAL District- East Champaran

KRISHNA SAH @ KRISHNA KUMAR Son of Late Hira Sah Resident of
Village- Mathia (Dumarwana), P.S.- Pakridayal, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 15268 of 2021)

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

(In CRIMINAL MISCELLANEOUS No. 29645 of 2021)

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 18-02-2022 Heard Mr. Anil Kumar, learned Advocate for the
petitioners in both the applications and the learned APP
for the State.

The petitioner in Cr. Misc. No. 15268 of 2021
is the mother-in-law of the deceased whereas the
applicant of Cr. Misc. No. 29645 of 2021 is the husband
of the deceased.



Most. Gulabi Devi @ Bulabi Devi (petitioner in Cr. Misc. No. 15268 of 2021) was granted provisional bail by order dated 04.01.2022. The case of the husband of the deceased was directed to be listed along with the case of the mother-in-law of the deceased today.

Both the applications are being disposed of by this common order.

The petitioners have contended that the deceased died because of Covid-19 infection. She had been afforded all possible treatment but she did not respond to the aforesaid treatment and died. Out of fear of being prosecuted, the husband of the deceased (petitioner in Cr. Misc. No. 29645 of 2021) buried the dead body.

It was urged on behalf of the mother-in-law of the deceased that she is an old lady and from different sources she had learnt that her daughter-in-law had died because of Covid-19 pandemic.

Regard being had to the fact that the mother-in-law of the deceased is staying separately from her son and the deceased daughter-in-law and also taking into account her age and gender, she was granted provisional bail.

For the reasons aforesated, the provisional bail



of Most. Gulabi Devi @ Bulabi Devi (petitioner in Cr. Misc. No. 15268 of 2021)is, hereby, confirmed.

She shall remain on the same bail bonds.

So far as the husband of the deceased is concerned, viz. the petitioner (in Cr. Misc. No. 29645 of 2021), his application for anticipatory bail is rejected.

Should he surrender before the court below and seek bail, all the grounds noted above shall be taken into account and an order shall be passed by the court below without being prejudiced by the fact that the present petition on his behalf has not been entertained.

Both the applications are disposed off accordingly.

(Ashutosh Kumar, J)

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