

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9916 of 2022

Arising Out of PS. Case No.-128 Year-2021 Thana- PARBATTI District- Bhagalpur

1. CHANDNI DEVI D/o Late Fakir Mandal , W/o Mukesh Yadav @ M.P. Yadav Resident of Village - Gonarchak, P.s.- Parbatta, Distt.- Bhagalpur.
2. Sintu Yadav @ Amit Yadav Son of Dilip Yadav Resident of Village - Gonarchak, P.s.- Parbatta, Distt.- Bhagalpur.
3. Mukesh Yadav @ M.P. Yadav Son of Bachchi Yadav Resident of Village - Gonarchak, P.s.- Parbatta, Distt.- Bhagalpur.
4. Elaychi Devi W/o Late Fakir Mandal Resident of Village - Gonarchak, P.s.- Parbatta, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha
For the Opposite Party/s : Mr.Md. Ataur Rahman

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 08-07-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

At the outset, learned counsel for the petitioners has submitted that during the pendency of this anticipatory bail application, petitioner nos. 1, 2 and 3 have been arrested and, as such, the same has become infructuous. He, therefore, seeks permission to withdraw this application as against petitioner nos. 1, 2 and 3.

In view of the aforesaid submission, the application is



dismissed as withdrawn as having become **infructuous as against petitioner nos. 1, 2 and 3.**

Petitioner nos. 4 apprehends her arrest for the offences alleged under Sections 302 and 201/34 of the Indian Penal Code, registered in connection with Parbatta P.S.Case No. 128 of 2021.

As per allegation, the marriage of Neelam Bharati, the deceased, was solemnized with the son of Ilaychi Devi, petitioner no.4. The husband Sarvesh Mandal demand Rs. 1 lac for contesting the Ward election. The deceased Neelam Bharti expressed her inability to fulfil the demand. The allegation is that, on denial, the accused persons badly assaulted the deceased. Her husband has solemnized his second marriage.

Learned counsel for petitioner no.4 has submitted that she is the mother-in-law of the deceased. There is no allegation against her of demand of dowry which is only against the husband. Being mother-in-law she has falsely been implicated in this case. She has no concern with the Ward election, as mentioned in the FIR, neither demand of money for contesting the election.

Considering the above facts and circumstances, specially the fact that there is allegation of demand of Rs. 1 lac



only against the husband and petitioner no.4 is the mother-in-law of the deceased, having no concern with the alleged demand, let her above named, in the event of her arrest or surrender within four weeks from the date of communication of this order, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-IIIrd, Naugachia, Bhagalpur in connection with Parbatta P.S.Case No. 128 of 2021, subject to the conditions as laid down under Section 438(2) Cr. P.C.

Office shall ensure that all the defects are removed by the petitioners within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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