

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18338 of 2022

Arising Out of PS. Case No.-403 Year-2021 Thana- PAKARIBARAW District- Nawada

1. Sonwa Devi @ Soniya Devi, Wife of Jay Prakash Chauhan, R/O Village-Bariyarpur, P.S.- Pakribarawan, District- Nawada
2. Sharmila Devi @ Sharmila Kumari, Wife of Ganesh Chauhan, R/O Village-Bariyarpur, P.S.- Pakribarawan, District- Nawada
3. Rinku Devi, Wife of Late Ram Nandan Chauhan, R/O Village- Bariyarpur, P.S.- Pakribarawan, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Malendu, Advocate
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP
For the Informant	:	Mr. Suresh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-06-2022 Today this case has been listed on priority basis, on the motion slip filed by the learned counsel for the petitioners.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Kumar Malendu, learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Pakaribarawa P.S. Case No. 403 of 2021 for the offences punishable under Sections 498(A), 302, 201/34 of the Indian Penal Code.



As per prosecution case, it is alleged that the marriage of the daughter of the informant was solemnized nine years ago with co-accused Dinesh Chauhan. It is further alleged that after the marriage, the deceased was subjected to torture and dowry. It is further alleged that on 03.11.2021, the mother-in-law of her daughter informed the informant that his daughter is missing and thereafter the family members of the informant reached there and the dead body was found in a well. It is also alleged that his son-in-law had illicit relationship with petitioner no.3.

It is submitted by the learned counsel for the petitioners that all the petitioners are ladies and there are general and omnibus allegation against all of them and except the allegation that after the marriage the victim was subjected to torture there is no specific allegation against any one and moreover prior to the lodging of the present F.I.R., at no point of time any complaint or information was given to any authorities. It is further submitted that there is no eye witness to the alleged occurrence and moreover the petitioners being the ladies are in custody since 01.12.2021 having clean antecedent, though the investigation of the crime is already completed and the charge-sheet has been submitted. It is lastly submitted that all the petitioners are living separately since 2015 and they have no



concern with the husband of the deceased, who is in custody.

On the other hand, learned counsel appearing on behalf of the informant vehemently opposes the bail application and submits that from perusal of the F.I.R. it is evident that the deceased was done to death on account of the fact that she was opposing the illicit relationship of her husband with petitioner no.3 and moreover the dead body of the deceased was found in a well. It is also submitted that the deceased was done to death on a conspiracy by all the family members including these petitioners.

Learned APP for the State also opposes the bail application of the petitioners.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that general and omnibus nature of allegation has been made against these petitioners, apart from the fact that the petitioners are ladies and are in custody since 01.12.2021 having clean antecedent, though investigation of the crime is already completed and the charge-sheet has been submitted, inasmuch as there is no eye witness to the alleged occurrence, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to



the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Pakribarawan P.S. Case No. 403 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(Harish Kumar, J)

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