

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40826 of 2021

Arising Out of PS. Case No.-91 Year-2020 Thana- BHAGWANGANJ District- Patna

Lalmohan Chaudhary S/O Girija Chaudhary Resident Of Village- Deoria,
P.S.- Bhagwanganj, District- Patna.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 62783 of 2021

Arising Out of PS. Case No.-91 Year-2020 Thana- BHAGWANGANJ District- Patna

Ranju Devi @ Manju Devi Mohan Chaudhary Resident Of Village-Deoriya,
P.S.-bhagwanganj, District-Patna.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 40826 of 2021)

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Mr. Manoj Kumar

(In CRIMINAL MISCELLANEOUS No. 62783 of 2021)

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Mr. Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 03-02-2022

CRIMINAL MISCELLANEOUS No.40826 of 2021

Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner seeks bail in connection with S.Tr.
No.419 of 2020 arising out of Bhagwanganj P. S. Case No.91 of
2020, instituted for the offences under Section 302/ 34 of the



Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is in custody since 10.08.2020 and charge-sheet has been submitted in the case.

The learned counsel for the petitioner submits that the informant (Chaukidar) alleges that while he was discharging his duties on 13.07.2020, he got found smell coming from the house of Mukesh Kumar. Accordingly, he went there and found the dead body of the wife of Mukesh Kumar hanging by a sari. It is further submitted that Mukesh Kumar had assaulted his wife and based on suspicion, it is alleged that he might have killed the deceased.

The learned counsel for the petitioner submits that the petitioner is the Dewar and he resided separately from his brother. The husband of the deceased is in custody and it is also submitted that the post mortem though records ligature mark over the neck, but apart from that no external injuries were found as such, it is submitted that Para-10 of the case diary where the son of the deceased's statement was recorded, who stated that this petitioner along with his father, grandmother and other accused persons had assaulted his mother a day prior to the occurrence stands falsified in view of the post mortem



report.

The learned counsel further submits that the son of the deceased whose statement was recorded is 10 years old, as such, the marriage was even older, as such, if for such a long period of time the deceased and her family members stayed together without any acrimony, then why after such a long period of time such an occurrence would have been committed. It is submitted that the responsibility, if any, is of the husband. It is further submitted that co-accused Smt. Bindia Devi has been granted bail by order dated 22.07.2021 in Cr. Misc. No.7337 of 2021.

The learned A.P.P. for the State opposes the bail application.

Considering the fact that the petitioner is in custody since and charge-sheet has been submitted in the case and is the Dewar of the deceased and co-accused has been granted bail, the petitioner, above-named, is directed to be released on bail on his 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 A.D.J., Masaurhi, Patna in connection with S.Tr. No.419 of 2020 arising out of Bhagwanganj P. S. Case No.91 of 2020.

The application stands allowed.



CRIMINAL MISCELLANEOUS No. 62783 of 2021

Heard learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner seeks bail in connection with S.Tr. No.560 of 2021 arising out of Bhagwanganj P. S. Case No.91 of 2020, instituted for the offences under Section 302/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is in custody since 10.08.2020, she is a person with clean antecedent and charge-sheet has been submitted in the case.

The learned counsel for the petitioner submits that the informant (Chaukidar) alleges that while he was discharging his duties on 13.07.2020, he got found smell coming from the house of Mukesh Kumar. Accordingly, he went there and found the dead body of the wife of Mukesh Kumar hanging by a sari. It is further submitted that Mukesh Kumar had assaulted his wife and based on suspicion, it is alleged that he might have killed the deceased.

The learned counsel for the petitioner submits that the petitioner is the sister-in-law of the deceased and she resided separately from his brother. The husband of the deceased is in



custody and it is also submitted that the post mortem though records ligature mark over the neck, but apart from that no external injuries were found as such, it is submitted that Para-10 of the case diary where the son of the deceased's statement was recorded, who stated that this petitioner along with his father, grandmother and other accused persons had assaulted his mother a day prior to the occurrence stands falsified in view of the post mortem report.

The learned counsel further submits that the son of the deceased whose statement was recorded is 10 years old, as such, the marriage was even older, as such, if for such a long period of time the deceased and her family members stayed together without any acrimony, then why after such a long period of time, such an occurrence would have been committed. It is submitted that the responsibility, if any, is of the husband. It is further submitted that co-accused Smt. Bindia Devi has been granted bail by order dated 22.07.2021 in Cr. Misc. No.7337 of 2021.

The learned A.P.P. for the State opposes the bail application.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in the case and is the sister-in-



law of the deceased and co-accused has been granted bail, the petitioner, above-named, is directed to be released on bail on his 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 A.D.J., Masaurhi, Patna in connection with S.Tr. No.560 of 2021 arising out of Bhagwanganj P. S. Case No.91 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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