

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43684 of 2021

Arising Out of PS. Case No.-197 Year-2020 Thana- KALYANPUR District- East Champaran

1. DHANAI SAH Son of Late Dewan Sah Resident of Village - Brindavan, P.S. - Kalyanpur, District - East Champaran.
2. Lalmati Devi Wife of Dhanai Sah Resident of Village - Brindavan, P.S. - Kalyanpur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Madhuri Lata, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 05-05-2022 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor appearing for the State.

Petitioners seek regular bail in connection with Kalyanpur P.S. Case No. 197/2020 registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code.

It is alleged that sister of the informant was married to son of petitioner Nos. 1 and 2 in the year 1997 and out of their wedlock five children have born.

The allegation, as per the First Information Report, is that the sister of the informant was being tortured by her husband. It has further been alleged that on 7.8.2020 in the



night, all the accused persons with common intention assaulted the sister of the informant, administered poison and pressed her neck, due to which, she died.

Learned counsel for the petitioners submits that the petitioners are the parents-in-law of the deceased and they have not committed any offence in the manner alleged. He further submits that from perusal of the First Information Report, it would be evident that the informant has stated that the deceased used to make a complaint against her husband and not against her other family members. He next submits that the allegation against the petitioners are general and omnibus in nature and during course of investigation it has come to knowledge that husband of the deceased was not earning anything and used to consume liquor, due to which, quarrel used to take place between the husband and wife. He further submits that during course of investigation, the statement of the daughter of the deceased was recorded, in which, she has stated that on the date of occurrence there was a fight between them. He next submits that other witnesses have also stated that the petitioners were not having any concern about the matrimonial affairs of the co-accused Kamlesh Sah and the deceased, and used to live separately from their son. The petitioners are in custody since



16.3.2021.

On the other hand, learned counsel for the State referring to paragraph-8 of the case diary submits that the statement of the daughter of the deceased has been recorded, in which, she has not stated anything against the petitioners.

Regards being had to the submissions made by the parties and taking into consideration the materials on record, the fact that allegation against the petitioners are general and omnibus in nature and during course of investigation, no *prima facie* evidence has come against the petitioners to connect them in the present offence, the petitioners are in custody since 16.3.2021 and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Kalyanpur P.S. Case No. 197 of 2020.

(Anil Kumar Sinha, J)

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