

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49205 of 2021

Arising Out of PS. Case No.-162 Year-2021 Thana- RAXAUL District- East Champaran

BAIJANTI DEVI Wife of Late Krich Prasad Kushwaha @ Krich Mahto @
Kirish Mahto Resident of Village - Shitalpur, P.S.- Raxual, Dist.- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 51784 of 2021

Arising Out of PS. Case No.-162 Year-2021 Thana- RAXAUL District- East Champaran

RAMESHWAR PRASAD Son of Late Kedar Prasad Resident of Village -
Chawal Bazar, Ward no.21, Raxaul, P.S.- Raxaul, Distt.- East Champaran,
Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 49205 of 2021)

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Thakur, APP

(In CRIMINAL MISCELLANEOUS No. 51784 of 2021)

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 31-03-2022 Heard learned counsel for the parties.

The two petitioners in two applications have preferred this application for grant of regular bail in connection with Raxaul P.S. Case no.162 of 2021 registered under sections 304B, 328 and 34 of the Indian Penal Code.

As per the prosecution case, the informant states that his daughter was married to Dhiraj Kumar Gupta. Soon



after the marriage the accused persons including the father-in-law, mother-in-law as also Baijanti Devi started to torture the daughter of the informant for nonfulfilment of demand of dowry. It is further stated that Baijanti Devi was on visiting terms with the husband of the deceased and was regularly torturing the deceased. Finally the daughter of the informant was poisoned to death.

On behalf of Rameshwar Prasad it is submitted that he happens to be the father-in-law of the deceased. The allegations are general and omnibus in nature. The petitioner is in custody since 6.5.2021 and the husband of the deceased is in custody. Chargesheet has been submitted in the case.

On behalf of Baijanti Devi it is submitted that she is not even a member of the family. She has been falsely implicated in the case for oblique reasons as her husband as also the husband of the deceased were partners doing business together. It was as a result of differences between her and the father of the deceased over some payment that she has been falsely implicated in the case. She is in custody since 5.6.2021 and has no criminal antecedent.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking



into consideration the facts of the case, the general and omnibus allegation against the petitioner Rameshwar Prasad together with chargesheet having been submitted and the husband of the deceased being in custody, the Court directs the petitioner Rameshwar Prasad to be enlarged on bail in connection with Raxaul P.S. Case no. 162 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran.

In the facts and circumstances of the case, in view of the allegations in the FIR together with the material that has transpired in course of investigation wherein a number of witnesses have stated about the relationship between the petitioner Baijanti Devi and the husband of the deceased, the Court is not inclined to enlarge the petitioner Baijanti Devi on bail and the application is rejected.

Liberty is granted to the petitioner Baijanti Devi to renew her prayer for bail after six months if there is no progress in the trial.

(Partha Sarthy, J)

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