

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42146 of 2022

Arising Out of PS. Case No.-646 Year-2019 Thana- MAHUA District- Vaishali

1. Binod Patel @ Binod Kumar Patel son of Shivmangal patel R/o village - parmanandpur (Chhitrauli), P.S.- Mahua, District - Vaishali at Hajipur.
2. Krishna Devi @ Krishna Patel W/o Late Shivmangal patel R/o village - parmanandpur (Chhitrauli), P.S.- Mahua, District - Vaishali at Hajipur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niranjan Parihar, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-11-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners seek regular bail in connection with Mahua P.S. Case No. 646 of 2019 registered for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

As per the prosecution, the informant's sister was killed by her in-laws by setting her ablaze by pouring kerosene. Further, it is alleged that the informant's sister's in-laws were



making a demand of dowry and torturing her for the non-fulfillment of the said demand and later on the victim was killed by these petitioners along with other accused persons.

The main submissions advanced by the learned counsel Mr. Niranjana Parihar for the petitioners are that the petitioner No. 1 is brother-in-law of the deceased and petitioner No. 2 is the mother-in-law of the deceased and the husband of the deceased is languishing in jail since 20.05.2022, in fact the alleged occurrence has not been committed by the accused persons, the deceased died by natural death and the petitioners and co-accused persons are facing trial in which three material witnesses have been examined and their depositions have been filed before this Court vide Annexure-2 series in which two of them went hostile and the informant did not make any allegation against the petitioners and co-accused persons and revealed that the victim died due to illness and she was never subjected to torture for the demand of dowry.

Learned APP Mr. Suresh Prasad Singh appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the Deposition of some witnesses related to Trial No. 275 of 2022 concerned to the accused persons of the instant matter filed as



Annexure-2 series. Both the petitioners are relatives of the deceased and against them there is no specific allegation of cruelty and dowry demand in the FIR and some material witnesses mentioned above did not support the prosecution's case in their deposition in the trial of the accused persons as discussed above. The petitioner No. 2 is stated to be 73 years old lady and petitioner No. 1 is stated to be brother-in-law of the deceased and the allegation made against them in the FIR is general and omnibus in nature and the deceased died after about eight years of her marriage. Considering all these facts, in the opinion of this Court a lenient approach can be taken in respect of the petitioners' prayer, let the petitioners 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 the concerned Court in connection with Mahua P.S. Case No. 646 of 2019.

(Shailendra Singh, J.)

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