

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53421 of 2021

Arising Out of PS. Case No.-108 Year-2020 Thana- MANSURCHAK District- Begusarai

1. RUPAM DEVI D/O SHIVNATH CHOUDHARY
2. ANITA DEVI W/O SHIVNATH CHOUDHARY
Both are RESIDENTS OF VILLAGE- NAWTOL, P.S.-
MANSURCHAK, DISTRICT - BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate
For the Opposite Party/s : Mr. Raj Kishore Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 04-07-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302 and 120B/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners are women and are persons with clean antecedent and the informant alleges that on 24.11.2020 his son (deceased) had gone to his matrimonial home and on 25.11.2022 an unknown caller called the informant from the mobile phone of his son and informed that his son is in a bad condition. Accordingly, the informant reached the place of occurrence and saw his son lying dead with various injury mark on his dead



body. It is next alleged that all the named accused including the petitioners had murdered his son under conspiracy by assaulting him. It is next alleged that wife of the deceased had an illicit relation with co-accused Deepak Chaudhary for which a case was instituted earlier and on account of which thereat was being given to the deceased to withdraw the case.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted that deceased had come to his matrimonial home on 24.11.2020 and he became ill and he was taken to the Doctor and the Doctor referred him to a higher centre as would be evident from Annexure-2 to the anticipatory bail application. It is next submitted that the allegations are general and omnibus in nature and the informant is not an eyewitness to the occurrence.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that already a case was instituted against Deepak Chaudhary on account of his illicit relationship with the wife of the deceased and that perhaps was the reason for the present occurrence. It is next submitted that it absolutely does not stand to reason that if what has been submitted by the learned counsel for the petitioner is correct then if the death was normal then definitely death certificate



should have been issued and brought on record but the same is not there. It is next submitted that from perusal of Annexure-2, it appears that it is a manufactured document for the reason that it does not record the disease from which the petitioner was suffering or the issues the petitioner was having which necessitated his visit to the Doctor.

Considering the submissions made by the learned counsel for the petitioners, petitioner no. 2 above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mansoorchak P.S. Case No. 108 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The Court is not inclined to grant privilege of anticipatory bail to petitioner no. 1 Rupam Devi. Hence, her prayer for anticipatory bail is refused.

(Satyavrat Verma, J)

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