

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56540 of 2021

Arising Out of PS. Case No.-108 Year-2021 Thana- NAUTAN District- Siwan

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1. KALAWATI DEVI, Wife of Radha Kishun Yadav.
 2. Chinta Devi, Wife of Dadan Yadav.
 3. Radha Kishun Yadav, Son of Late Shivpujan Chaudhary @ Pujan Chaudhary.

All are resident of Village - Khap Mishrauli, Police Station - Nautan,
District - Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party	:	Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 15-02-2022 Heard learned counsel for the parties through video conferencing.

Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

This application for anticipatory bail arises out of Nautan P.S. Case No. 108 of 2021 for the offence punishable under Sections 302 and 201/34 of the Indian Penal Code.

The petitioners are mother-in-law, married sister-in-law and father-in-law of the deceased.

It has been submitted by learned counsel for the petitioners that the deceased died of unnatural death and she was



cremated in presence of her father but subsequently this F.I.R. was lodged implicating the whole family members.

In this bail application, it has been mentioned that the deceased had two children who are six years and two years old and they are staying with their grand parents.

Considering the fact that the husband of the deceased, who is father of the two minor children, is already in jail and the grand parents (petitioner nos. 1 and 3) are only there to look after the children and petitioner no.2 is the married sister-in-law of the deceased, this anticipatory bail application is allowed.

Accordingly, let the petitioners, above named, in the event of their arrest/surrender within ten weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Siwan, in connection with Nautan P.S. Case No. 108 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

While accepting the bail bonds of petitioner nos. 1 and 3, the Court below shall verify the fact whether the children are staying with their grand parents (petitioner nos. 1 and 3) or



not. If it is found that the children are staying with their grand parents then the Court below shall accept the bail bonds of the petitioner nos. 1 and 3. If the aforesaid fact is found to be false, in such circumstances, the Court below shall not accept the bail bonds of petitioner nos. 1 and 3 and they shall be taken into custody.

(Sandeep Kumar, J)

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