

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66689 of 2021

Arising Out of PS. Case No.-274 Year-2020 Thana- DESARI District- Vaishali

1. Sabita Devi Wife of Late Tilak Rai Resident of Village- Muraubatpur, P.S.- Desari, District- Vaishali.
2. Rajesh Rai Son of Late Tilak Rai Resident of Village- Muraubatpur, P.S.- Desari, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Atul Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 29-06-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from today.

In the present case, the petitioners seek bail in
connection with Desari P.S. Case No. 274 of 2020 registered for
the alleged offences under Sections 302 and 120(B) of the
Indian Penal Code.

The prosecution case is that in the background of
illicit relationship of petitioner Sabita Devi with her son-in-law
the petitioners who are wife and son of the deceased
respectively, killed him and tried to pass his death as suicide.



The learned counsel for the petitioners submits that the prosecution story is highly unbelievable. It is unbelievable that the sons will accept their mother's illicit relationship with their brother-in-law and her daughter will overlook this relationship with her husband. Moreover, petitioner no. 1 is the mother of eight children and deceased was their father and their marriage was solemnized 25 years back, so in the normal circumstances it would seem highly improbable that such relationship existed and was tolerated by family members. The postmortem report does not support the prosecution case of death due to physical assault. The petitioners are in custody since 02.10.2020.

Learned A.P.P. for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that the petitioners have been named in the F.I.R.

Having regard to the submissions made hereinabove and considering the fact that the informant is not an eye witness and cause of death in the postmortem report has been kept reserved till examination of viscera and further considering the nature of relationship of the petitioners with the deceased and the reason for causing death coupled with the period of detention of petitioners, they are directed to be released on bail



on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Desari P.S. Case No. 274 of 2020, subject to the following conditions :

(i) The bail bond of the petitioners shall be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioners.

(iii) The petitioners will remain present on each and every day fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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