

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70544 of 2021

Arising Out of PS. Case No.-565 Year-2021 Thana- JAHANABAD District- Jehanabad

1. Chinta Devi Wife Of Late Gopal Ram R/O Mohalla- Ambedkar Nagar, P.S. And District- Jehanabad
2. Dablu Ram Son Of Late Gopal Ram R/O Mohalla- Ambedkar Nagar, P.S. And District- Jehanabad
3. Radha Devi @ Joti Devi @ Joti Mallick Wife Of Dablu Ram R/O Mohalla- Ambedkar Nagar, P.S. And District- Jehanabad
4. Badal Ram @ Badal Kumar Son Of Late Gopal Ram R/O Mohalla- Ambedkar Nagar, P.S. And District- Jehanabad

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indu Shekhar Dwivedi

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-07-2022 The learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application against petitioner no.4 as he has been arrested.

Permission is accorded.

Accordingly, the instant petition against petitioner no.4 is dismissed as withdrawn as having become infructuous.

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

The petitioner nos.1, 2 and 3 seek bail in anticipation of their arrest in a case registered for the offences punishable



under Sections 306/ 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 06.09.2021 at 9.30 A.M. while he along with his wife were returning from market after purchasing some vegetables, his wife returned back to her in-laws' house whereas the informant remained outside the house in the vicinity and when he returned back home, he found that his wife had consumed poison. Thereafter, she was taken to hospital for treatment where during the course of treatment, she died. It also appears from the allegation that some litigation was going on inside the house of the informant prior to 2-3 days of occurrence which perhaps abetted the deceased to commit suicide.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. The informant of the case is the husband of the deceased, who has instituted this case against his own mother and brother. It is next submitted that during course of investigation, it has also come that the husband and the accused persons used to assault the deceased prior to the alleged occurrence. The learned counsel next submits that the deceased committed suicide on account of the mis-behaviour of the informant and it was the



duty of the informant to ensure that the wife lives with dignity and honour. It is further submitted that it appears that the informant in order to save his own skin falsely implicated his own mother and brother when the responsibility entirely was his to ensure that the wife lives a decent life and is not tortured. It is also submitted that during the course of investigation, it has also come that the petitioners used to assault her.

Learned A.P.P. opposes the bail application, but at the same time makes a relevant submission that whenever an F.I.R. is instituted, the same should not result into a mechanical investigation. The police should investigate the case from all angles. In the present, it appears that the informant like a very wise and prudent criminal instituted the present case against his own family members alleging that he was standing outside his house when the occurrence took place. It is also submitted that now, the informant has also filed a compromise petition in the learned Court below as it is evident from the pleadings made in the anticipatory bail application. This further goes to demonstrate that the informant is a very cunning criminal. The learned A.P.P. thus submits that it is a fit case where the police should be directed that a proper investigation in the case be made.



Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Jehanabad P. S. Case No.565 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C. and at the same time, the Court takes serious note of the submission made by the learned A.P.P. and leaves it to the wisdom of the Superintendent of Police, Jehanabad to look into the matter and investigate the case properly.

Let a copy of this order be sent to the Superintendent of Police, Jehanabad forthwith.

(Satyavrat Verma, J)

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