

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72594 of 2021

Arising Out of PS. Case No.-362 Year-2021 Thana- LALGANJ District- Vaishali

=====

SHANTI DEVI W/O LAKSHMI SAHNI RESIDENT OF VILLAGE -
JAHANABAD, P.S- LALGANJ, DIST- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Prakash Chandra Jha, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 304B, 328 and 34 of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 10.10.2021, is a person with clean
antecedent, charge-sheet has been submitted in the case and is
the mother-in-law of the deceased.

The informant alleges that her daughter (deceased)
was married to Vijay Paswan in 2019, further the accused
persons, including the petitioner, used to assault her. It is further
alleged that on 09.10.2021, the informant received an
information that her daughter, under conspiracy, has been



poisoned by the named accused persons and hence she has been taken to the doctor and from where she has been referred to P.M.C.H. Hospital but died during the course of treatment.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the deceased was taken to the hospital, it is submitted that if the accused persons would have given poison to the deceased then definitely they would not have taken her to the hospital. It is also submitted that it is the husband who is responsible to take care of his wife and look after his wife properly. Learned counsel submits that whether she consumed poison or she was given poison is not clear though in the F.I.R. it is alleged that she was given poison but the informant is not an eyewitness to the occurrence.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that whether she was given poison or she consumed poison in both the events, it is the responsibility of the husband to take care of his wife. It is submitted that if she had consumed poison that also points to the fact that husband created condition conducive for the deceased to take the extreme step.

Considering the fact that the petitioner is in custody



since 10.10.2021, is a person with clean antecedent, is the mother-in-law of the deceased, charge-sheet has been submitted in the case, the informant is not an eyewitness to the occurrence, and the allegation appears to be general and omnibus in nature and, let the petitioner above named be released on bail on furnishing bail bond 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 Lalganj P.S. Case No. 362 of 2021.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

