

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8285 of 2023

Arising Out of PS. Case No.-236 Year-2021 Thana- MAHISHI District- Saharsa

1. Sangam Devi Wife of Chandra Kishore Yadav Resident of Village- Kothiya, P.S.- Mahishi (Jalai), District- Saharsa
2. Manjula Devi Wife of Late Gajodhar Yadav Resident of Village- Kothiya, P.S.- Mahishi (Jalai), District- Saharsa
3. Chandra Kishore Yadav Son of Late Gajodhar Yadav Resident of Village- Kothiya, P.S.- Mahishi (Jalai), District- Saharsa

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Mahishi P.S. Case No. 236 of 2021 registered for the offences punishable under Sections 304(B), 201/34 of the Indian Penal Code. They have no criminal antecedent.

Learned counsel for the petitioners submits that petitioner no. 1 is the wife of the elder brother of the husband, petitioner no. 2 is the mother-in-law and petitioner no. 3 is the elder brother of the husband of the deceased. It is submitted that as per the prosecution story, the informant received an



information that his daughter has been killed by her son-in-law. He reached there but did not find his daughter or her in-laws. It is alleged that the son-in-law of the informant was demanding motorcycle and other articles which the informant was unable to provide. He suspected involvement of his son-in-law and other family members including the petitioners in the killing of his daughter and disappearance of the dead body.

Learned counsel for the petitioners submits that on a bare reading of the First Information Report, it would appear that the thrust of the allegations are against the son-in-law only. He has never alleged that these petitioners were involved in either abusing or torturing the daughter of the informant in any manner.

Learned counsel submits that he has instruction to say that the husband of the deceased has already surrendered and he is in judicial custody.

Learned APP for the State is present and has opposed the prayer for pre-arrest bail of the petitioners.

Considering the facts and circumstances of the case, the contents of the FIR which is directed against the son-in-law of the informant and that the son-in-law is already in judicial custody, so far as these petitioners are concerned, they claim



living separately in mess and business with the family of the deceased, this Court directs in the event of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Mahishi P.S. Case No. 236 of 2021 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV at Saharsa, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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