

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18679 of 2022

Arising Out of PS. Case No.-142 Year-2021 Thana- LAHERIMUHALLA District- Nalanda

1. UMA DEVI Wife of Late Masudan Pandey, Resident of village - Katapar, P.S.- Laheri, Dist.- Nalanda.
2. Santosh Pandey Son of Late Masudan Pandey, Resident of village - Katapar, P.S.- Laheri, Dist.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 03-01-2023 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as Mr. Shailendra Kumar, the learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Laheri P.S. Case No. 142 of 2021 registered for offence punishable under sections 302, 120(B)/34 of the Indian Penal Code.

Chandra Devi, who is informant, is wife of deceased Umesh Yadav.

As per allegation, Umesh Yadav used to go for 3-4 days to the house of the petitioner Uma Devi and used to return to his house, but on 03.04.2021 he did not return. The informant went to



the house of the petitioner where the petitioner, her sons and daughter-in-law abused the informant. She returned and again went there along with police party where she found her husband in dead condition. It has been alleged that there was some dispute between the petitioner and the deceased for transaction of money, due to which the accused persons committed murder of the deceased.

The learned counsel for the petitioners has submitted that the petitioners are innocent. Petitioner no. 1 is a lady of 80 years and the inquest report shows that the dead body of the deceased was found from the house of the deceased.

The learned A.P.P., Mr. Shailendera Kumar, by drawing my attention towards paragraph 12 of the case diary, has submitted that during course of investigation, it was detected that the deceased and the petitioner were living as husband and wife for thirty years. The deceased transferred his house in favour of his daughter and son-in-law. The rent of that house was also realized by his daughter and son-in-law.

From perusal of paragraph 12 of the case diary though it appears that the spy has stated to the investigating authority that the petitioner and the deceased were living as husband and wife. It has also been mentioned that the deceased transferred his house in favour of his daughter and son-in-law, due to which he used to say



that he had been dispossessed from his properties and now he would not live for more days in this world. This paragraph shows that the daughter and son-in-law of the deceased were in possession of that house and they were collecting the rent, due to which the deceased was in depression.

Considering the above mentioned facts and circumstances, the petitioners above named, in the event of their arrest or surrender, within four weeks from today, are directed to be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Nalanda at Biharsharif in connection with Laheri P.S. Case No. 142 of 2021, subject to condition as laid down under section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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