

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30955 of 2023

Arising Out of PS. Case No.-197 Year-2022 Thana- RAGHUNATHPUR District- Siwan

1. Kapildeo Ram Son of Late Shiv Jatan Ram Village- Mirjapur Ps- Raghunathpur Dist- Siwan
2. Lakshminiya Devi @ Laxmina Devi @ Laxmi Devi Wife of Kapildeo Ram Village- Mirjapur Ps- Raghunathpur Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Ms. Kumari Anupam, Advocate
For the Opposite Party/s	:	Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-07-2023 Heard learned Senior counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Raghunathpur P.S. Case No. 197 of 2022 registered for the offence under Sections 302/34 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and are in custody since 31.08.2022.

The allegation against petitioners, who are in-laws, is to commit murder of their daughter-in-law/daughter of



informant alongwith other co-accused persons/family members, where occurrence took place within seven years of marriage. It is further alleged that deceased was subjected to physical assault/cruelty on different occasions, soon after her marriage by other members of matrimonial family including petitioners.

Learned Senior counsel Mr. Yogesh Chandra Verma, appearing on behalf of the petitioners submitted that the thrust of allegation is available against the husband, who is in judicial custody. It is submitted that both petitioners are in-laws and living separately having no connection with the daily and domestic affairs with the deceased and her husband and they have been implicated in this case only for the reason that they are the parents of the husband of the deceased. It is also submitted that informant is not the eye-witness of the occurrence and entire implication is based upon suspicion. It is also submitted that case of the FIR is not suggesting any demand of dowry so as to attract any presumption as available under the law. While concluding the argument, it is submitted that petitioners are of clean antecedents and, moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above as petitioners are in-laws, where thrust of allegation is available against co-accused/husband, who is in judicial custody, coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 31.08.2022, accordingly, petitioners above named, are directed to be released on bail in connection with Raghunathpur P.S. Case No. 197 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. VIIIth, Siwan/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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