

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37959 of 2023

Arising Out of PS. Case No.-49 Year-2021 Thana- PIRI BAZAR District- Lakhisarai

1. Jainee Devi, W/O Sandip Poddar, R/o Village- Pyalapur, P.S. Pirpaiti, Dist. Bhagalpur
2. Chandra Prabha Devi, W/O Jawahar Poddar, R/O Village- Pyalapur, P.S. Pirpaiti, Dist. Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manohar Prasad Singh, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-07-2023 Heard Mr. Manohar Prasad Singh, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

2. The petitioner no.1 happens to be the sister-in-law whereas petitioner no.2 is mother-in-law of the deceased, who are apprehending their arrest in connection with Piri Bazar P.S. Case No. 49 of 2021 registered for the offences punishable under Sections 306/34 of the Indian Penal Code.

3. Allegedly the marriage of the daughter of informant was solemnized in the year 2015 along with Aman Poddar and from their wedlock two children were born. It is further alleged that two months prior to the alleged occurrence on account of



torture, she was taken to her *Maika*, as the accused persons, including the husband of the deceased, had always been threatening to her that they will solemnize second marriage of her husband, she committed suicide.

4. Learned counsel appearing on behalf of the petitioners submits that from the narration of the F.I.R. it is evident that the occurrence took place within the parental house of the deceased, where she had been residing for the last two months. It is also submitted that the marriage was solemnized in the year 2015 and two daughters were also born from the wedlock, but there had never been any complaint with regard to demand of dowry or ill-treatment. He next submits that the petitioners having no concern with the affairs of the deceased and her husband. That apart, the husband of the deceased had already been allowed the privilege of regular bail by the learned coordinate Bench of this Court. He further submits that during the course of investigation, the witnesses have also not supported the prosecution case.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the occurrence



took place in the parental house of the deceased and there is no allegation of any cruelty at the hands of the petitioners, coupled with the fact that the petitioners are lady, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Lakhisarai in connection with Piri Bazar P.S. Case No. 49 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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