

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53003 of 2023

Arising Out of PS. Case No.-96 Year-2023 Thana- PALIGANJ District- Patna

1. Lakhan Deo Mistry Son Of Tulsi Mistry Resident Of Village- Chhotki Masaudhi, Ps- Paliganj, Distt- Patna
2. Jaikant Devi @ Chandrakanti Devi Wife Of Lakhan Deo Mistry Resident Of Village- Chhotki Masaudhi, Ps- Paliganj, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate.
	:	Mr. Shayam Kishore, Advocate.
For the State	:	Mr. Binod Kumar, APP.
For the Informant	:	Mr. Ashok Kumar Sinha, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-08-2023 Heard Mr. Yogesh Chandra Verma, learned senior counsel duly assisted by Mr. Shayam Kishore, learned counsel for the petitioners, Mr. Ashok Kumar Sinha, learned counsel for the informant and learned APP for the State.

2. Two petitioners who happen to be brother-in-law and the sister-in-law of the deceased are apprehending their arrest in connection with Paliganj P.S. Case No.96 of 2023, registered for the offences punishable under Sections 302, 328 and 34 of the Indian Penal Code.

3. Allegedly, the marriage of the daughter of the informant was solemnized with Mukesh Kumar way back in the year 2003. The couple also blessed with two sons, however,



soon after the marriage, she was subjected to torture on account of non-fulfillment of demand of dowry. It is specifically alleged that on account of some dispute the daughter of the informant started living in her *Maika*, however, a Panchayti took place and thereafter her husband brought her in the matrimonial house and thereafter the informant came to know that she was done to death by all the accused persons by administering poison.

4. Learned senior counsel appearing on behalf of the petitioners submits that from the FIR, it is evident that the informant came to know that his daughter has been got admitted in a hospital by two villagers on 27.02.2023 itself but the FIR has been lodged on 01.03.2023. He further submits that the petitioner no.1 is *Bhaisur* and petitioner no.2 is *Gotani* of the deceased and they are separated in their mess and business and they do not have any concern with the affair of the deceased and her husband. In support of their submission a partition deed has been brought on record byway of Annexure-3 to the petition. He further drew the attention of this Court to the postmortem report as contained in Annexure-2 and with reference thereto he submits that even as per the postmortem report, it appears that there is no mark of any violation over the body of the deceased and, moreover, the cause of death could not be ascertained,



hence the Viscera was preserved and sent for chemical examination. He next submits that admittedly the marriage of the deceased had taken place 20 years ago and as such there is not even remote chance of demand of dowry and in fact on ground of some trifle between the husband and wife the deceased consumed poison. He lastly submits that the husband of the deceased is already in custody.

5. On the other hand learned counsel for the informant vehemently opposes the bail application and submits that during the course of investigation the family members have categorically stated that just a day before the occurrence a quarrel has taken place between the petitioner no.2 and the deceased and soon thereafter she has committed suicide and as such their complicity cannot be denied.

6. Learned APP for the State also opposes the bail application.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that the marriage was solemnized 20 years ago and moreover the petitioners are brother-in-law and sister-in-law and as per the partition deed, it appears that they have been residing separately, coupled with the fact that there is no mark of violence on the body of the



deceased, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Danapur, Patna in connection with Paliganj P.S. Case No.96 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

manoj/-

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

