

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58801 of 2023

Arising Out of PS. Case No.-73 Year-2023 Thana- GOPALPUR District- West Champaran

1. TULASI PANDIT @ TULASI PADIT son of Jagannath Pandit @ Jagannath Padit Village- Bhangaha Ps- Kumarbagh OP Dist- West Champaran
2. CHANDA DEVI wife of Rajan Pandit @ Rajan Padit Village- Mohachhi Nain Ps- Gopalpur Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-09-2023 Heard the parties.

The petitioners are in judicial custody in connection with Gopalpur P.S. Case No. 73 of 2023 for the offence punishable under Sections 302, 120B, 34 of the Indian Penal Code lodged on 21.5.2023 by the informant, Kalawati Devi.

As per the prosecution story, the allegation is that husband of the informant was sleeping after taking dinner and around 4:00 AM when she went to awake her husband, found him dead. Further, she found her son Rajan Pandit absent in his room and as such she had firm belief that her daughter-in-law, Chanda Devi (petitioner no.2) and father-in-law, Tulasi Pandit (petitioner no.1) along with her son have killed her husband.



Accordingly, the FIR.

The case of the petitioners is/are that due to unfortunate killing of the informant's husband who was also father-in-law of petitioner no.2 and 'Samdhi' of petitioner no.1, the lady has made allegation against her son and her in-laws and this is way, they came in judicial custody since 21.5.2023 (para-12 of the bail petition) and there is no eye-witness to the said occurrence.

Learned APP opposes the prayer stating that that informant has raised suspicion against these petitioners.

Taking into account the fact that there is no eye-witness to the occurrence, only on suspicion the lady has made allegation against her son who was absent from her house and further extended the allegation to the petitioner no.1 (Samdhi) and petitioner no.2 (daughter-in-law), they are in custody since 21.5.2023 (para-12 of the petition) and do not have criminal antecedent, this Court is inclined to extend them the privilege of bail with conditions.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Bettiah, West Champaran, in connection



with Gopalpur P.S. Case No. 73 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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