

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59663 of 2022**

Arising Out of PS. Case No.-204 Year-2022 Thana- JANDAHA District- Vaishali

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1. USHA DEVI WIFE OF RAM VIVEK PASWAN R/O VILLAGE-BISHUNPATTI, P.S.- JANDAHA, DISTRICT- VAISHALI
  2. PUNAM DEVI WIFE OF LATE RAJESH PASWAN R/O VILLAGE-BISHUNPATTI, P.S.- JANDAHA, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Pranav Kumar Jha, Adv.

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

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

- 3      07-02-2023              Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners seek regular bail in connection with Jandaha P.S. Case No. 204 of 2022, registered for the offence punishable under Sections 302, 323, 328, 504, 506 and 34 of the Indian Penal Code.

The case of the prosecution, in brief, is that the son of the informant had gone to sell mangoes on 8.7.2022 at 12:30 hours, whereafter he had gone to his in-laws place at Vishnupatti and had stayed there at night, however, on the



next day, the informant was informed by the in-laws of the deceased that the son of the informant has died. It is also alleged that the informant had then gone to the alleged place of occurrence and had found the dead body of his son lying besides the road, however, the accused persons were absconding.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case, they are having a clean antecedent and they are languishing in custody since 11.07.2022. The learned counsel for the petitioners has submitted that there is no eye-witness to the alleged occurrence and even during the course of investigation, it has transpired that the son of the informant was a drunkard and on account of over drinking, he had died on the alleged date of occurrence.

Per contra, the learned APP for the State has though vehemently opposed the prayer for bail, but has submitted that paragraph no. 22 of the



case diary contains the supervision note wherein it has been stated that the deceased used to take drugs and on the fateful day / night, he had resorted to use of drugs and probably, he got over-drugged resulting in his death. It is submitted that while the petitioner no. 1 is mother-in-law of the deceased, the petitioner no. 2 is his wife.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also considering the fact that the police, in the supervision note, has suspected that the deceased has died of over dose of intoxicating substance, this Court finds that prima facie, the petitioners are not having any complicity in the alleged occurrence, apart from the fact that minuscule evidence is available on record so as to connect the petitioners with the alleged crime, hence, I deem it fit and proper to admit the petitioners to the



privilege of bail. Accordingly, the provisional bail, granted to the petitioner no. 1, vide order dated 23.12.2022, stands confirmed.

Accordingly, the above named petitioner no. 2 is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 204 of 2022.

**(Mohit Kumar Shah, J)**

Ajay/-

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