

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63307 of 2022

Arising Out of PS. Case No.-175 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

-
1. Gaura Devi Wife Of Mahesh Prasad Kesari R/O Village- Daroga Tola, Koluharwa, P.S.- Motihari (Town), District- East Champaran
 2. Roshni Devi Wife Of Sanjeev Raja R/O Village- Daroga Tola, Koluharwa, P.S.- Motihari (Town), District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Akshay Ashish, Advocate
For the Opposite Party/s	:	Mr. Santosh Kumar Pandey, Advocate Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-02-2023 Heard learned senior counsel for the petitioners and
learned A.P.P. for the State.

In the present case, the petitioners seek bail in connection with Motihari Muffasil P.S. Case No. 175 of 2021 registered for the alleged offences under Sections 306/34 of the Indian Penal Code.

As per prosecution case, the son of the informant committed suicide at the instigation of the petitioners, who are said to be the mother-in-law and the wife of the deceased, respectively. The written report was given by the informant on the basis of a video made viral by the deceased wherein he has



named his wife and mother-in-law and nine other persons of his matrimonial home for instigating him to take the extreme step.

Learned senior counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case as the deceased was drunkard and he used to take debts from a number of persons and when he was unable to pay the debts,, he asked his wife and his in-laws to pay the same and when they refused to pay then he went to his father and on refusal of his father, he committed suicide due to the aforesaid pressure. Learned senior counsel further submits that from perusal of the FIR this fact is clear that a general and omnibus allegation has been levelled against the petitioners and other nine accused persons without any substance. It is not clear how they forced the son of the informant to commit suicide and apparently, the son of the informant committed suicide on his own and not due to the instigation or abetment by the petitioners, who are ladies. The other two co-accused persons, namely, Jyoti Kumari and Priyanka Devi, who are sisters-in-law of the deceased, have been granted anticipatory bail by Co-ordinate Bench vide order dated 23.11.2022 passed in Cr. Misc. No. 49673 of 2022. The petitioners are in custody since 10.08.2022 and charge sheet has been submitted. The



petitioners have got no criminal antecedent.

Learned A.P.P. for the State opposes the prayer for bail submitting that the petitioners are the main culprit, who instigated the son of the informant for taking such extreme step of committing suicide.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the general and omnibus nature of accusation against the petitioners, who are ladies, and further considering the period of custody of the petitioners and submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari/concerned court in connection with Motihari Muffasil P.S. Case No. 175 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on



each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

DKS/-

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

