

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16628 of 2024

Arising Out of PS. Case No.-636 Year-2023 Thana- GARKHA District- Saran

Rajesh Rai @ Rajesh Kumar Ray Son of Late Suresh Rai Resident of Village-
Kasina, P.S.- Garkha, District- Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 16632 of 2024

Arising Out of PS. Case No.-636 Year-2023 Thana- GARKHA District- Saran

Lalmati Devi @ Dewanti Devi Wife of Late Suresh Rai Resident of Village-
Kasina, P.S.- Garkha, District- Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 16628 of 2024)
For the Petitioner/s : Mr. Rakesh Kumar, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, APP
(In CRIMINAL MISCELLANEOUS No. 16632 of 2024)
For the Petitioner/s : Mr. Rakesh Kumar, Advocate
For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-03-2024 Since both the Criminal Misc. Applications arise out

of Garkha P.S. Case No. 636 of 2023, as such, they have been

taken up together and are being disposed of by this common

order.

02. Heard learned counsel for the petitioners and

learned APPs for the State.



03. In the present case, the petitioners are apprehending their arrest in connection with Garkha P.S. Case No. 636 of 2023, registered for the alleged offence under Sections 304(B), 328 & 34 of the Indian Penal Code.

04. As per prosecution case, the daughter of the informant was married with the petitioner-Rajesh Rai and allegation against the petitioners is that they administered poison to daughter of the informant, causing her death. The occurrence took place in the background of illicit relationship of the petitioner-Rajesh Rai with the wife of his son from earlier marriage.

05. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The deceased was the second wife of the petitioner and she was an eccentric lady and used to quarrel with her husband over the petty matter. She was under impression that her husband had entered into some illicit relationship with his daughter-in-law and for the said reason, she committed suicide. The prosecution story about daughter of the deceased informing the sister of the deceased, who stayed quite long distance from the place of occurrence and not informing her maternal grandfather who stayed nearby the place of occurrence, is not believable. At the



time of alleged occurrence, the petitioners were not present at their house rather they went to market and when they returned, then found that daughter of the informant had committed suicide. Petitioner-Rajesh Ray further informed the informant, who started blackmailing the petitioner, which was objected by the petitioner and due to this reason, the present case has been lodged. Petitioner-Lalmati Devi @ Dewanti Devi is 78 years old lady, who is the grandmother of the petitioner-Rajesh Ray. Learned counsel further submits that cause of death is yet to be ascertained and *viscera* has been preserved for examination. The petitioners have got no criminal history.

06. Learned APPs for the State opposes the prayer for anticipatory bail of the petitioners.

07. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the vague and doubtful nature of allegation against the petitioners and probability of false implication, let the petitioners above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief



Judicial Magistrate-IV, Saran at Chapra/concerned court in connection with Garkha P.S. Case No. 636 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other 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, if so required by the learned trial court.

(Arun Kumar Jha, J)

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