

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26695 of 2024

Arising Out of PS. Case No.-392 Year-2022 Thana- CHHATAPUR District- Supaul

Meera Devi WIFE OF LATE NAGO YADAV RESIDENT OF VILLAGE -
MADHOPUR, PS- CHATAPUR, DIST- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Kishore, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 06-09-2024 Heard Mr. Shyam Kishore, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with Chhatapur P.S. Case No. 392 of 2022 for the offence under Sections 302, 304-B, 323 and 34 of the Indian Penal Code lodged on 26.10.2022 by the informant, Sunil Kumar Yadav.

3. It is a peculiar case where this petitioner along with one Arun Yadav preferred Cr. Misc. No. 74429 of 2023 through a different Counsel (Late Sanjiv Nikesh) and on his demise when the matter was taken up, other Counsel assisted the Court who had no knowledge about the fact that subsequently both Meera Devi and Arun Yadav @Arun Kumar were arrested (as per the information given by Mr. Shyam Kishore, learned Counsel who also represent in this case), this petitioner was



arrested on 25.08.2023 itself (paragraph 18 of the petition).

4. As these facts did not come in the domain of the Court, when the matter was taken up, the anticipatory bail application was allowed on 05.03.2024 taking into account that the present petitioner is the Mother-in-law of the deceased.

5. As per the record of the case, the bail petition was filed on 01.04.2024. It is unfortunate that the petitioners' '*pairvikar*' chose not to get the anticipatory bail application withdrawn which resulted into this faux pas.

6. As per the prosecution story, the informant alleged that his daughter, Manisha Devi was married to Rupesh Yadav but was tortured for dowry and one day when the informant's mother-in-law died and his daughter requested them to participate in the cremation, she was assaulted. This followed administration of poison to the daughter and two grand sons and, resultantly, they died. Accordingly, the FLR.

7. Learned counsel for the petitioner submits that though it is unfortunate that the lady alongwith two kids died due to poisoning, the fact remains that the lady committed suicide along with her children when denied in attending funeral. However, the family members which include the mother-in-law have been implicated alleging killing.



8. Learned APP on the other hand submits that the trial will decide whether it is a triple murder case executed by the accused persons or the lady actually committed suicide after killing her children.

9. This Court would like to incorporate the order passed in Cr. Misc. No. 74429 of 2023 (the anticipatory bail) wherein paragraphs 5 to 8 read as follows:-

"5. Learned counsel for the petitioners submits that it is a case of suicide, she insisted on attending the cremation, the family members chose not to go and this led her to commit suicide along with her children and it is unbelievable that the family members will kill both the lady as also two children. Further, submission is that they are family members inasmuch as petitioner No.1 is the mother-in-law and petitioner No.2 is maternal uncle of the deceased.

6. Learned A.P.P. for the State, on the other hand, opposes the prayer stating that the allegation is of administering the poison.

7. Taking into account the submission put forward by the parties as also the fact that, prima facie, the



prosecution story moves to a different angle, in any case, these two petitioners are mother-in-law and maternal uncle, the husband having failed to take care of the lady, he is ultimately responsible for occurrence.

8. In the aforesaid background of fact, this Court is inclined to extend the privilege of anticipatory bail to the petitioners."

10. The fact remains that considering the case, petitioner being the mother-in-law, main allegation is against the husband Rupesh Yadav, the anticipatory bail application was allowed, as stated above. However, before that she was arrested and this bail application is on record. This Court in the aforesaid circumstances is the duty bound to allow the petition particularly when she is in custody since 25.08.2023 and do not have criminal antecedent.

11. Learned counsel for the petitioner by way of supplementary affidavit has also informed that now the husband is also in custody as per the order-sheet dated 04.07.2024 of the Court of Additional Chief Judicial Magistrate V, Supaul in Chhatapur P.S. Case No. 392 of 2022.

12. A perusal of the earlier bail application of the



maternal uncle (Arun Yadav) in Cr. Misc. No. 15765 of 2024 would show that charges have already been framed and learned counsel for the petitioner submits that she will be diligently appearing in trial on each and every date.

13. Taking into account the aforesaid facts as also that she is in custody since 25.08.2023, earlier her anticipatory bail application was allowed, do not have criminal antecedent and the husband is in custody, this Court is inclined to extend her the privilege of bail with conditions.

14. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M. Supaul , in connection with Chhatapur P.S. Case No. 392 of 2022 subject to the following conditions:

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

(ii) the petitioner 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 her bail bond by the Trial Court itself;

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

13. With the aforesaid observations, the application is
allowed.

(Rajiv Roy, J)

Vijay Singh/-

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