

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17712 of 2024

Arising Out of PS. Case No.-614 Year-2023 Thana- BIRAUL District- Darbhanga

1. Dayanand Chaudhary son of Late Jhingur Chaudhary Village- Pakhram Ps- Biraul Dist- Darbhanga
2. Punam Devi wife of Dayanand Chaudhary Village- Pakhram Ps- Biraul Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Adv.

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Biraul P.S. Case No. 614 of 2023 dated 23-12-2023, instituted for the offence punishable under Sections 302, 304(B) and 34 of the Indian Penal Code.

3. Prosecution case, in short, is that daughter of the informant was married to co-accused, namely, Chandan Chaudhary and out of the wedlock one child was born out. The further allegation is that her daughter was killed by the accused persons, including the petitioner by administering poison.

4. Learned counsel for the petitioners submits that



petitioners are innocent and they have been falsely implicated in this case. It is submitted that petitioner Nos.1 and 2 are the father-in-law and mother-in-law, aged about 72 and 67 years respectively and they are separate in mess and worship having no concern with the deceased and her husband. There is dispute between the deceased and her husband. The deceased was suffering from heart disease for which treatment was going on in the heart hospital, Patna. It is submitted that due to earlier dispute between the wife and husband, the wife/deceased lodged Biraul PS case No. 260 of 2019 for the offence under section 498A of the IPC and after oral settlement in the said case, the deceased was residing in her in-laws house because she fell ill due to heart disease and husband of the deceased working at Bombay for his livelihood from where he has maintained his wife although the one son, who is aged about 10 years, was residing with the father co-accused, namely Chandan Chaudhary. It is submitted that during investigation, independent witness has specifically stated that the deceased has committed suicide, and as such, the viscera of the deceased has been preserved and till date report has not been submitted. It is also submitted that the postmortem report has not suggested that the deceased has suffered any injury on her body rather she was ill,



and as such, no offence at all was made out against the petitioners. Lastly, it is submitted that the petitioners have one criminal case against them.

5. Learned APP for the State has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Biraul P.S. Case No. 614 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM 1st Biraul Dist. Darbhanga, or appropriate Court below, subject to condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Khatim Reza, J)

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