

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31084 of 2024

Arising Out of PS. Case No.-38 Year-2023 Thana- KARTAHA District- Vaishali

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1. Sumitra Devi W/O Ganesh Paswan R/O Village- Gurmiya Tiwari Tola, P.S- Kartaha, District- Vaishali.
 2. Ganesh Paswan S/O Bhola Paswan R/O Village- Gurmiya Tiwari Tola, P.S- Kartaha, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Paswan, Adv.
Mr. Amar Kumar, Adv.
Ms. Deepshikha, Adv.
Ms. Anamika Kumari, Adv.
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 24-04-2024 Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners seek bail in connection with

Kartaha P.S. Case No. 38 of 2023 instituted for the offences

under Sections 302, 201, 34 and 498-A of the Indian Penal

Code.

3. The allegation against the accused persons

including the petitioners is of being involved in the commission

of murder of the deceased/daughter of the Informant for non-

fulfillment of the dowry demand. It is alleged that after

committing murder of the deceased, they also disappeared the



dead body and fled away.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. The petitioners are the mother-in-law and father-in-law of the deceased. There is no specific and direct allegation against the petitioners rather the same is omnibus and general in nature. He further submits that the F.I.R. was instituted by the Informant after substantial delay of two months and twelve days without any valid explanation for the same. The husband of the deceased is already in custody. He further states that on 31.03.2023 when the deceased became ill, her husband took her to the doctor and next morning, he took her to Hajipur for her better treatment but, unfortunately, she died on the way to Hajipur. The Informant has also filed a compromise petition before the Additional Chief Judicial Magistrate-IV at Hajipur. He has further submitted that the petitioners live separately since long and, thus, have never demanded any dowry from the deceased. The petitioners have no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioners are languishing in judicial custody since 25.09.2023.



5. On the other hand, the learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the allegation made against the petitioners is serious in nature. The charge-sheet has been submitted against the petitioners and, thus, they do not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also the petitioners are mother-in-law and father-in-law of the deceased having no direct allegation, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kartaha P.S. Case No. 38 of 2023.

(Rudra Prakash Mishra, J)

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