

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37906 of 2024

Arising Out of PS. Case No.-188 Year-2023 Thana- AURAI District- Muzaffarpur

1. Jaylas Devi Wife Of Rajaram Sah Resident Of Village - Shambhuta, P.S. - Aurai, District - Muzaffarpur
2. Rupa Devi Wife Of Indrajeet Kumar Resident Of Village - Shambhuta, P.S. - Aurai, District - Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar

For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 04-07-2024 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302, 506 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioner No. 1 has antecedent of one case, but then the said case was also instituted by the instant informant. It is next submitted that petitioners have been falsely implicated in the instant case by the informant with an allegation that she resides alone at Muzaffarpur where she works and her minor daughters,



aged about 17 years and 14 years, are residing in the village home of their father, where they study. It is next alleged that her daughter on 2-8-2023 at 12:00-12:30 am, called and informed that the accused persons including the petitioners assaulted her elder daughter brutally by *lathi*, *danda* and sharp-edged weapon as she was demanding share in the property and thereafter she was murdered. It is next alleged that her younger daughter was threatened that in the event if she discloses the occurrence to anyone, she will be killed, further on coming to know about the occurrence, the police was informed and thereafter the police reached the place of occurrence. It is next alleged that her mother-in-law, father-in-law, sister-in-law (*gotni*) and others committed the occurrence with a view to usurp the share in the property of her husband.

4. Learned counsel for the petitioners submits that allegation as alleged in the FIR does not inspire confidence, it is further submitted that the petitioners are grand-mother (*dadi*) and aunt (*chachi*) of the deceased, it is next submitted that husband of the informant, who was son of the petitioner No. 1, died and thereafter the petitioner No. 1 along with her husband were taking care of his children, who were residing with them. It is next submitted that it absolutely does not stand to reason



that if the petitioners had any intention of committing the occurrence, then why they would have left an evidence against themselves in shape of the younger daughter of the informant. It is further submitted that police after the occurrence had reached the place of occurrence but then did not arrest any of the accused persons for the reason that the deceased had committed suicide. It is also submitted that if the petitioners had any motive of usurping the share in the property of the husband of the informant in that event they would not have kept the children with themselves. It is next submitted that children were being reared by the petitioner No. 1 and her husband and they were taken well care of.

5. It is submitted that the elder grand-daughter committed suicide and the police during the course of investigation has also found the case to be true under Section 306 of the IPC. It is next submitted that no grand-father and grand-mother would kill their own grand-daughter. It is next submitted that relationship of the informant with the family members of her husband is not cordial as such she had earlier implicated the petitioner No. 1 in a case under Section 376 of the IPC.

6. Learned A.P.P. for the State and the learned counsel



appearing on behalf of the informant oppose the prayer for anticipatory bail of the petitioners, but then the learned counsel appearing on behalf of the informant fairly submits that during the course of investigation the police has found the case to be true under Section 306 of the IPC.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Aurai P.S. Case No. 188 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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