

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59161 of 2024

Arising Out of PS. Case No.-25 Year-2024 Thana- JAMHOR District- Aurangabad

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1. Kalawati Devi wife of Budhan Paswan
 2. Dhananjay paswan son of Budhan Paswan
 3. Sumiya devi @ Sumitra Devi @ Sumitra Wife of Dhananjay Paswan
All Resident of Village- Makhara, P.S. -Jamhore, District- Aurangabad
- Petitioner/s
- Versus
- The State of Bihar
- Opposite Party/s
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Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate
For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 26-10-2024 1. Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner no.2, Dhananjay Paswan.
2. Permission is accorded.
3. Accordingly, the anticipatory bail application is dismissed as withdrawn as against petitioner no.2.
4. Heard learned counsel for the petitioners as well as learned APP for the State.
5. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 302, 201 and 34 of the IPC in connection with Jamhore P.S. Case No.25 of 2024.
6. The learned counsel for the petitioners submit that



petitioners are persons with clean antecedent and the informant alleges that her daughter was married to Rahul in the year 2010, but after marriage her daughter was tortured and assaulted by her inlaws. Further, out of the wedlock three children were born. It is next alleged that on 19.02.2024 the deceased victim had a hot talk with her mother-in-law and on 20.02.2024 at about 11.20 a.m. the informant got an information that her daughter has received electric shock, accordingly she went to the matrimonial home of her daughter, but by then the dead body was cremated near a primary school.

7. The learned counsel submits that petitioner being mother-in-law and sister-in-law (Gotani) have been falsely implicated in the instant case by the informant. It is next submitted that the marriage was more than fourteen years old and in these fourteen years no case ever came to be instituted either by the deceased or the informant alleging torture. It is next submitted that the informant herself in the FIR alleges that she received an information that the deceased received electric shock and the said information was not provided by the petitioners or her family members, rather it appears that villager informed her which amply demonstrates that the victim died on account of electrocution. It is next submitted that since the



deceased died on account of receiving electric shock as such her dead body was cremated.

8. The learned APP opposes the anticipatory bail application and submits that since the dead body was cremated without informing the family of the deceased, as such it appears that the death was not accidental but rather was homicidal, as such in order to conceal the evidence the dead body was disposed of, on which the learned counsel appearing on behalf of the petitioners submit that from the FIR itself it would manifest that someone had informed the informant that her daughter got electrocuted.

9. It is also submitted by the learned counsel for the petitioner that as to why the petitioners would have killed the victim when she was staying peacefully in the house for the last more than fourteen years. It is also submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

10. 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 Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., VII, Aurangabad in connection with Jamhore P.S. Case No.25 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

11. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioners despite giving assurance to this Court is not cooperating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

12. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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