

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70736 of 2024

Arising Out of PS. Case No.-167 Year-2024 Thana- MIRGANJ District- Gopalganj

1. Kalawati Devi W/o Late Gaurishankar Ram R/o vill - Sabeya Harijan Tola,
P.S.- Mirganj, Distt. - Gopalganj
2. Gautam Kumar S/o Late Gaurishankar Ram R/o vill - Sabeya Harijan Tola,
P.S.- Mirganj, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepankar Raj, Adv.

For the Opposite Party/s : Mr.Shantanu Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 20-11-2024 Heard learned counsel for the petitioners and learned
APP for the State. Perused the case diary.

2. The petitioners seek bail in connection with Mirganj
P.S. Case No. 167 of 2024 instituted for the offences under
Sections 304B, 120B/34 of the Indian Penal Code.

3. As per prosecution case, the accusation against the
accused persons including the petitioners is of committing
murder of the Informant's daughter namely Chandni Kumari.

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 petitioner no.1 is the mother-in-law and



petitioner no.2 is the brother-in-law of the deceased. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. There is no eye-witness to the alleged occurrence and the petitioners have been implicated in this case due to circumstantial evidence. The F.I.R. has been instituted after a delay of two days of the date of occurrence which creates doubt in the prosecution case. In the postmortem report, there is no mention of any external injury. The petitioners have no criminal antecedent and are languishing in judicial custody since 19.06.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners, stating that the deceased died within two years of her marriage in her matrimonial home. As per postmortem report, there is ligature mark on the neck of the deceased and throat bone was also fractured. The witnesses in Para- 9 & 10 of the case diary have supported the prosecution case.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners and there being no specific allegation against the petitioners, 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 Mirganj P.S. Case No. 167 of 2024 , subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioners.

(ii) The petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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