

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74429 of 2023**

Arising Out of PS. Case No.-392 Year-2022 Thana- CHHATAPUR District-
Supaul

- =====
1. MEERA DEVI WIFE OF LATE NAGO YADAV RESIDENT OF VILLAGE -
MADHOPUR, P.S. - CHATAPUR, DISTRICT - SUPAUL
 2. ARUN YADAV @ ARUN KUMAR SON OF RAGHUNANDAN YADAV
RESIDENT OF VILLAGE - NAVDIHI GUDIYA, P.S. - JADIA, DISTRICT -
SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Binod Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

2. Mr. Jitendra Kumar Singh, learned counsel for
the petitioner submits that Mr. Sanjiv Nikesh is no more, as
such, on instruction, he is arguing the matter.

3. The petitioners apprehend their arrest in
connection with Chhatapur P.S. Case No. 392 of 2022
registered for the offence under Sections 302, 304(B),
328/34 of the Indian Penal Code lodged on 26.12.2022 by
the informant, Sunil Kumar Yadav.

4. As per the prosecution story, the informant



alleged that his daughter, Manisha Devi was married to Rupesh Yadav but was tortured for dowry and one day when the informant's mother-in-law died and his daughter requested them to participate in the cremation, she was assaulted, this followed administration of poison to the daughter and two grand sons and, resultantly, they died. Accordingly, the F.I.R.

5. Learned counsel for the petitioners submits that it is a case of suicide, she insisted on attending the cremation, the family members chose not to go and this led her to commit suicide along with her children and it is unbelievable that the family members will kill both the lady as also two children. Further, submission is that they are family members inasmuch as petitioner No.1 is the mother-in-law and petitioner No.2 is maternal uncle of the deceased.

6. Learned A.P.P. for the State, on the other hand, opposes the prayer stating that the allegation is of administering the poison.

7. Taking into account the submission put forward by the parties as also the fact that, *prima facie*, the prosecution story moves to a different angle, in any case, these two petitioners are mother-in-law and maternal uncle,



the husband having failed to take care of the lady, he is ultimately responsible for occurrence.

8. In the aforesaid background of fact, this Court is inclined to extend the privilege of anticipatory bail to the petitioners.

9. Let the petitioners, above named, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Chief Judicial Magistrate, Supaul in connection with Chhatapur P.S. Case No. 392 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show his bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months



to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

brajesh/-

U		T	
---	--	---	--

