

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72831 of 2024

Arising Out of PS. Case No.-422 Year-2024 Thana- SIWAN MUFFASIL District- Siwan

1. Geeta Devi Wife of Late Parshuram Bhagat Resident of Village- Pithauri, P.S.- Thawe, District- Gopalganj
2. Jyoti Kumari @ Sicki Kumari Daughter of Kedar Bhagat Resident of Village- Pithauri, P.S.- Thawe, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Adv.
For the Opposite Party/s : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 22-01-2025 Heard Mr. Krishna Kant Singh, learned counsel for the Petitioner and Mr. Binod Kumar No.3, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Mufassil (Dhanauti) P.S. Case No. 422 of 2024 dated 19.07.2024 registered for the offences punishable under Sections 103(1), 351(2) and 3(5) of the Bharatiya Nyaya Sanhita (in short 'B.N.S.').

3. The main submissions advanced by petitioners' counsel are that the petitioner no.1 is the wife of the deceased and petitioner no.2 is the sister-in-law of the deceased and it is an admitted position that neither the informant nor any person



whose statement has been recorded by the investigating officer till date has claimed to have witnessed the alleged occurrence and the prosecution story described in the FIR is completely suspicious as there is a serious contradiction in between the contents of the FIR and the restatement of the informant, though, some witnesses disclosed during the investigation that some hours before the death of the deceased, a quarrel had taken place in between the deceased and petitioner no.1 which oftenly happened in between them and as per the prosecution story, the deceased was assaulted by the petitioners on his head and during the investigation, some witnesses stated that on account of the head injury, initial treatment was given to the deceased by a local compounder and his head injury was bandaged but the same witnesses later on revealed that next day the deceased himself removed the bandage and started wandering in the village and later, he died but as per the postmortem report, no head injury was found by the medical expert who conducted the postmortem examination and simple abrasions on the chest and abdomen in addition a minor lacerated wound in the size of 1/4" x 1/4" below left eye of the deceased were found, in fact, the deceased was an addict of alcohol and he might have fallen down or due to some other reason he might have sustained that



abrasions and the medical expert was not sure about the cause of death after examining his external and internal injuries and due to that reason, he has preserved the viscera and sent the same to Forensic Science Laboratory (FSL). It is further submitted that there are two minor daughters of the petitioner no.1 with her and the petitioner no.2 is an unmarried girl and the instant matter is completely based on suspicion and now, a good relation has established in between the informant and the petitioners.

4. Learned APP for the State has opposed the prayer for bail of the petitioners and submitted that admittedly, the death of the deceased occurred in suspicious circumstances and injuries were found on his body and there was not a good relation in between the petitioner no.1 and the deceased.

5. Considering the aforesaid submissions advanced by petitioners' counsel and mainly taking into account the facts that the case of the prosecution is based on suspicion and during the investigation, none of the witnesses examined by the investigating officer claimed to have seen the alleged occurrence and petitioners were suspected merely on account of some quarrel having taken place some hours before the alleged occurrence in between the deceased and petitioner no.1 but as per the witnesses, after that occurrence the deceased started



wandering in the village and later on died and further, both the petitioners are ladies and the petitioner no.1 has two minor children, in my opinion, it is a fit case for anticipatory bail to the petitioners. Accordingly, let the petitioners named-above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Mufassil (Dhanauti) P.S. Case No. 422 of 2024, subject to the conditions as laid down under Section 484(2) of the B.N.S.S.

(Shailendra Singh, J)

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