

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79767 of 2024

Arising Out of PS. Case No.-285 Year-2024 Thana- RAMNAGAR District- West Champaran

1.

Kamlawati Devi Wife of Late Gobind Sah VILLAGE- BILASPUR, WARD NO- 18, P.S- RAMNAGAR, DIST- WEST CHAMPARAN
2.

Radha Kumari @ Radhe Devi @ Radha Devi Wife of Pradip Kumar @ Pradip Shah @ Bablu Shah VILLAGE- BILASPUR, WARD NO- 18, P.S- RAMNAGAR, DIST- WEST CHAMPARAN
3.

Durgawati Devi Wife of Pradip Sah @ Bablu Shah VILLAGE- BILASPUR, WARD NO- 18, P.S- RAMNAGAR, DIST- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate Mr. Deepak Kumar, Advocate Mr. Atul Kumar, Advocate
For the State	:	Mr. Rampriya Sharan Singh, APP
For the Informant	:	Mr. Milind Kumar Mishra, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

- 4

22-04-2025

Heard learned counsel for the petitioners, learned coun-
sel for the informant and learned APP for the State.
2.

At the very outset, learned counsel for the petitioners prays for withdrawal of anticipatory bail application on behalf of the petitioner no.1, who is the wife of the deceased.
3.

Permission is accorded.
4.

Accordingly, the anticipatory bail application on behalf of the petitioner no.1, stands dismissed as withdrawn.
5.

However, if the petitioner no.1 surrenders before the



learned Court below and prays for regular bail, the said application would be heard on its own merit without being prejudiced by the order of withdrawal and the learned Court below shall also take into consideration that the petitioner is a lady with three minor children.

6. Now, this application is being heard only with regard to the petitioner nos.2 and 3.

7. Petitioners apprehends their arrest in connection with a case registered for the offence under Sections 302, 201, 34 of the I.P.C.

3. The prosecution case in the FIR relates to a general allegation upon the petitioners, who are the sisters-in-law of the deceased, namely, Govind Sah, that they have killed the deceased, who is the son of the informant and have thrown his dead body on a railway track which is at the back of the house of the petitioners. The informant upon getting such information telephonically, went to the railway track and found dead body of his son with injuries on his body.

4. Learned counsel for the petitioners submits that from bare perusal of the FIR, it would appear that there is general and omnibus allegation of assault upon the petitioners. Learned counsel for the petitioners, at the very outset points



out that there is no eyewitness to the present case and the same is based upon suspicion as the deceased was staying at his *sasural* along with his wife and other members of family.

5. The attention of this Court has been drawn towards the post-mortem report of the deceased which shows certain injuries on his body which are all lacerated in nature and secondly the cause of death has been shown as hemorrhage and shock due to hard and blunt injuries likely railway track injuries. On the strength of such post-mortem report, it has been submitted that the injuries received by the deceased was on account of being thrown on the railway track by some unknown persons and not these petitioners.

6. The learned APP for the State and learned counsel for the informant opposed the prayer for bail by making reference to statements made in para-11, 19 and 20 of the case diary which contains the statements of the witnesses who are the neighbours of the petitioners and who have given categorical statement that the deceased was being generally assaulted by the petitioners and other family members, on the date of occurrence he had been assaulted by tying his hands and legs and thereafter, upon death was thrown on a railway track.

7. It has been further submitted that the brother-in-law of



the deceased is an aggressive person and the witnesses have stated that the petitioners and other family members, after having killed the deceased have thrown the dead body on the railway track to show that the deceased had committed suicide.

8. In reply, learned counsel for the petitioners makes a submission that even though reading the statements of these witnesses it would not appear that they were eye witnesses to the factum of killing or to throwing of the dead body on railway track. Had it been so the matter would have been reported to the authorities immediately.

9. Considering all the facts and circumstances of the case and also taking into view that the petitioner nos.2 and 3 are the sisters-in-law of the deceased and their involvement in the alleged occurrence is a suspect, therefore, I am inclined to grant the privilege of anticipatory bail to the petitioner. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM, Bagaha, Dist- West Champaran, in connection with Ramnagar P.S. Case No.285 of



2024, subject to the condition as laid down under Section 438
(2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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