

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51419 of 2014

Arising Out of PS.Case No. -82 Year- 2013 Thana -MAHILA PS District- JEHANABAD

1. Shital Thakur, Son of Late Govind Thakur, resident of Village-Amarpur,
P.S.-Makhdumpur, District-Jehanabad.
2. Usha Devi, Wife of Lalan Thakur.
3. Sheela Devi, Wife of Deepu Thakur.
Both resident of Village-Banshi Bigha, P.S.-Ghoshi, District-Jehanabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

With

Criminal Miscellaneous No.6492 of 2015

Arising Out of PS.Case No. -82 Year- 2013 Thana -MAHILA PS District- JEHANABAD

1. Rajeshari Devi @ Rajeshwari Devi, Wife of Late Nawal Thakur.
2. Lallan Thakur, Son of Late Nawal Thakur.
3. Deepu Thakur, Son of Late Nawal Thakur.
All resident of Village-Banshi Bigha, P.S.-Ghosi, District-Jehanabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.51419 of 2014)

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary (A.P.P.)

(In Cr.Misc. No.6492 of 2015)

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Md. Anzarul Haque Sahara (A.P.P.)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 30-04-2015 Heard learned counsel for the petitioners and
learned Additional Public Prosecutors for the State.

Both these applications, seeking anticipatory bail,
are arising out of Jehanabad Mahila P.S. Case No. 82 of
2013, registered for the offences punishable under Sections

304(B) and 201/34 of the Indian Penal Code, and are being, therefore, taken up together and being disposed of by this present common order.

Petitioner No. 1 of Cr. Misc. No. 51419 of 2014 is said to be the maternal grandfather of the husband of the deceased, whereas, petitioner nos. 2 and 3 are wives of the elder brothers of the husband of the deceased. Petitioner No. 1 of Cr. Misc. No. 6492 of 2015 is the mother-in-law of the deceased, whereas, petitioner nos. 2 and 3 are the brothers of the husband of the deceased.

Learned counsel for the petitioners has submitted that the criminal case has been instituted against these petitioners with ulterior motive and the deceased, as a matter of fact, died out of Pancreatitis.

Learned counsel appearing on behalf of the State, on the other hand, has opposed the prayer and has contended that in view of legal presumption, the petitioners should not be granted the privilege of anticipatory bail as they are accused of a case registered under Section 304(B) of the Indian Penal Code.

I find substance in the submission made on behalf of the petitioners that there is no allegation in the First

Information Report that immediately before the death of the deceased, there was demand of dowry or torture therefore by these petitioners.

In view of the submission as above and in view of the fact that there is no specific allegation against them as they are relatives of the husband of the deceased, let the petitioners, abovenamed, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand only) each with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Jehanabad** in connection with **Jehanabad Mahila P.S. Case No. 82 of 2013**, subject to condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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