

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6156 of 2015

Arising Out of PS.Case No. -111 Year- 2014 Thana -PATEPUR District- VAISHALI(HAJIPUR)

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1. Sunil Das
2. Asarfi Das Both Sons of Panchu Das
3. Gita Devi D/o Panchu Das
4. Panchu Das S/o Late Manjit Das
5. Rakhi Devi W/o Panchu Das All residents of Village - Chatur Maudah,
P.S. - Patepur, District - Vaishali. Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmesh Kumar

For the Opposite Party/s : Mr. P.N.Pandit(App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR

MANDAL

ORAL ORDER

3 01-07-2015 Heard learned counsel for the petitioners and the State.

The five petitioners herein are family members of the husband of victim, who was done to death in the matrimonial home.

The allegation is that for non fulfillment of demand of dowry, she was done to death in the matrimonial home.

The contention of the petitioners is that in course of investigation it has come that marriage of the victim was performed in the year 2004. Presumption of law, therefore, is not applicable. Petitioners Nos. 1 and 2 are Devars and they reside in Gurgaon in connection with their job. It is submitted that petitioner No.3 is not expected to be in the home as she was married several years ago and resides in her Sasural with her family.

On the other hand, learned counsel for the State submits that in course of investigation some witnesses have supported the allegation.

Considering the fact that petitioner No.3, namely, Gita Devi is married Nanad of the victim and she is not expected to remain at the Sasural of the victim, she, in the event of her arrest or surrender in the court below within a period of four weeks, shall 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Patepur PS case No. 111/2014, subject to condition as laid down under section 438(2) of the Cr. P.C.

I am not persuaded to extend the privilege of anticipatory bail to other petitioners and their prayer for anticipatory bail is rejected. They may surrender before the court below and pray for regular bail which shall be considered and disposed of on its own merit uninfluenced in any manner by the present order.

(Kishore Kumar Mandal, J)

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