

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5823 of 2015

Arising Out of PS.Case No. -100 Year- 2014 Thana -BADHANI District- GAYA

1. Mithlesh Chaudhary Son of Birju Chaudhary
2. Birju Chaudhary Son of Late Kameshwar Chaudhary
3. Shanti Devi Wife of Birju Chaudhary All resident of village - Mai, P.S.
Neemchak Bathani, District - Gaya

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Sudhir Kumar Sinha, Advocate.

For the Opposite Party : Mr. B.N.Pandey(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 30-04-2015 Heard both sides.

The petitioners apprehend their arrest in Neemchak Bathani
P.S. Case No. 100 of 2014, registered for the offences punishable under
Sections 302 and other Sections of the Indian Penal Code.

Petitioner no.1 is the husband and petitioner nos. 2 and 3
are father-in-law and mother-in-law of the deceased. The informant
made allegation that her daughter was married to petitioner no. 1
Mithilesh Chaudhary in the year 2010 and the accused persons killed
her due to non-fulfillment of demand of dowry.

It appears that no specific allegation of demand of dowry
and torture is made against father-in-law and mother-in-law petitioner
nos. 2 and 3.

Considering the facts aforesaid and the fact, petitioner

no. 2 Birju Chaudhary and petitioner no. 3 Shanti Devi, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Smt. Kumari Vijaya, the learned Judicial Magistrate, 1st Class, Gaya in connection with Neemchak Bathani P.S. Case No. 100 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far as the case of petitioner no. 1 Mithlesh Chaudhary is concerned, he is husband and there is allegation against him that he was torturing his wife due to non-fulfillment of demand of dowry and killed her and hurriedly cremated her dead body, hence, I am not inclined to enlarge the petitioner no. 1 Mithilesh Chaudhary on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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