

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24597 of 2015

Arising Out of PS.Case No. -228 Year- 2014 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Deepak Kumar Son of Dewan Sah
 2. Deewan Sah Son of Late Devi Sah
 3. Sunita Devi Wife of Dewan Sah All residents of Village - Baisakhwa,
P.S. - Kesariya, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Indu Kumari Srivastava(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 09-10-2015 Heard learned counsel for the petitioner and learned

A.P.P.

The petitioners apprehend their arrest in Kesaria P.S.

Case No. 228/2014, registered for the offences punishable under

Section 304(B) and other sections of the Indian Penal Code.

The father of the deceased stated that on 22.09.2014, he

received telephonic call from his son-in-law, Akash Kumar that

her daughter had consumed poison.

The informant made allegation against father-in-law

Deewan Sah that he went on several occasion to bring his

daughter, but Deewan Sah did not allow the daughter to go along

with the informant and said that unless the demand is fulfilled, she would not be allowed to go. Deepak Kumar, the brother-in-law, also assaulted his daughter due to non-fulfillment of demand of dowry.

It is submitted that there is no allegation of demand of dowry or torture against Sunita Devi, mother-in-law of the deceased. During the course of investigation some of the witnesses disclosed that the deceased was being subjected to torture, but some witnesses have also stated that some quarrel had taken place and on account of which the deceased consumed poison. The postmortem report does not disclose any internal or external injury.

Having considered the fact that there is no allegation of either demand of dowry or torture against petitioner no. 3 Sunita Devi, mother-in-law of the deceased, she is directed, in the event of her 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, to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Motihari in connection with Kesaria P.S. Case No. 228/2014, 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 and petitioner no. 2 is concerned, they are brother-in-law and father-in-law of the deceased. The husband was working in Assam and there is allegation that father-in-law and brother-in-law were torturing the deceased due to non-fulfillment of demand of dowry, I am not inclined to enlarge the petitioner no. 1 and petitioner no. 2 on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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