

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38526 of 2014

Arising Out of PS.Case No. -266 Year- 2012 Thana -GAYGHAT District- MUZAFFARPUR

- =====
1. Ganesh Mahto Son of Late Shiv Mahto
 2. Mahadeo Rai Son of Late Ramesh Rai
 3. Vijay Rai Son of Mahadeo Rai
 4. Lalo Mahto Son of Late Ram Nandan Mahto
 5. Amarika Devi Wife of Lalo Mahto Sl. No. 1 to 5 are resident of Mohalla - Hanuman Nagar, P.O. - Kata Pirochha, P.S. - Gaighat, O.P. - Benibad, District - Muzaffarpur.
 6. Gayatri Devi Wife of Sogarath Mahto resident of village - Chaduha, P.S. - Kurhni, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mani Bhushan Kumar

For the Opposite Party/s : Mr. Jagdhar Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 01-04-2015 Heard learned counsel for the petitioners and the learned

Additional Public Prosecutor appearing on behalf of the State.

In case under Sections 304B and 120B of the Indian

Penal Code, the petitioners seek anticipatory bail.

It is the contention on behalf of the petitioners that

petitioner nos. 1,2 and 3 are not the relatives of the husband of

the deceased and they are only co-villagers. Petitioner No.4 is the

brother of the husband of the deceased, whereas petitioner no.5 is

the wife of petitioner no.4. Petitioner no.6 is said to be the sister

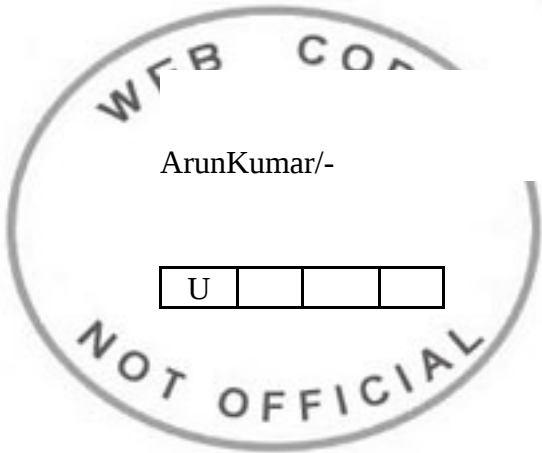
of the husband of the deceased.



Learned counsel for the petitioners, referring to the First Information Report, has submitted that there is no specific allegation against these petitioners of making any demand of dowry immediately before the death of the deceased. He has submitted that no offence under Section 304B of the Indian Penal Code is made out against petitioner nos. 1,2 and 3 as they are not near relatives of the husband of the deceased and no specific overt act has been alleged against petitioner nos. 4,5 and 6 so as to constitute an offence under Section 304B of the Indian Penal Code. He has also contended that no specific date has been given as to the date of the marriage of the daughter of the informant with Sone Mahto and therefore also no offence under Section 304B I.P. C. is made out.

Considering the submission that the petitioner nos. 1,2 and 3 are villagers and there is no specific allegation of demand of dowry against the petitioner nos. 4,5 and 6, let petitioners above named in the event of their arrest/surrender within four weeks from today in the Court below, 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 Sri Mithilesh Kumar, Judicial Magistrate, Ist Class, Muzaffarpur in Gai Ghat P.S. Case No. 266 of 2012, subject to the terms and conditions as laid down

under Section 438(2) of the Code of Criminal Procedure.



(Chakradhari Sharan Singh, J)