

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38424 of 2014

Arising Out of PS.Case No. -27 Year- 2014 Thana -MAHISI District- SAHARSA

1. Renu Devi Wife of Arun Thakur
2. Arun Thakur Son of Late Bedanand Thakur
3. Abhay Kumar Thakur Son of Arun Thakur All residents of village -
Bidyarthi Tola, P.S. Mansi, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam
For the informant : Mr. Pawan Kumar
For the Opposite Party/s : Mr. M.K. Khare(App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

2 01-04-2015 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

This is an application for grant of anticipatory bail, has
been filed on behalf of Renu Devi, Arun Thakur and Abhay
Kumar Thakur, they have been made accused in a case registered
for the offence punishable under Section 304(B) of the Indian
Penal Code.

It is stated at the Bar that during pendency of this
application, petitioner No. 2, the elder brother of the husband of
the deceased, died. Petitioner No. 1 is the widow of the said Arun
Thakur who died during the pendency of this application and

petitioner No. 3 is his son.

It is submitted on behalf of the petitioner that for an occurrence alleged to have taken place on 07.08.2012, a complaint case has been filed on 27.09.2012 on the basis of which the First Information Report came to be instituted on 03.03.2014. He has further submitted that the husband of the deceased died on 16.03.2013. He has also submitted that there is no specific allegation against the petitioner No. 1 Renu Devi and Abhay Kumar Thakur of any demand of dowry or torture therefor.

Learned counsel appearing on behalf of the informant on the other hand has submitted, referring to the complaint petition that the marriage was in fact solemnized nearly 6-7 years before the alleged date of occurrence and, therefore, offence under Section 304-B is made out in the facts and circumstances of the case.

However, keeping in view the submissions made on behalf of the petitioner that there is no specific allegation against the petitioner No. 1 Renu Devi and petitioner No. 3 Abhay Thakur and in view of the fact that there is vague statement in the complaint petition that the marriage was solemnized 6-7 years ago, I am inclined to grant the petitioner No. 1 and 3 the privilege of bail.

This application is allowed accordingly.

Let the petitioners above named (Renu Devi and Abhay Kumar Thakur), in the event of their arrest / surrender within six weeks from today before the Court below, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount, each to the satisfaction of the learned Judicial Magistrate, 1st Class, Saharsa in connection with Maheshi P.S. Case No. 27/2014, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Chakradhari Sharan Singh, J.)

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