

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35118 of 2015

Arising Out of PS.Case No. -7 Year- 2015 Thana -PHULWARIA District- GOPALGANJ

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1. Dhanu Kumar @ Dhana Chauhan Son of Balister Chauhan,
2. Chotan Chauhan @ Chhotan Chauhan, Son of Balister Chauhan,
Both resident of village - Banjari, Police Station Gopalganj (Town),
District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha

For the Opposite Party/s : Mr. Indu Bala Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 27-08-2015 Heard learned counsel for the petitioners and learned
counsel representing the State.

Petitioners apprehend their arrest in connection with
Fulwaria P.S. Case No. 7 of 2015 registered for the offences
punishable under Sections 304B/34 of the Indian Penal Code.

Allegedly, the daughter of the informant married
with petitioner no. 1 on 11.07.2013 was burnt and during
treatment in Patna Medical College and Hospital, Patna she died
due to non-fulfillment of demand of dowry by way of Hero Honda
Passion Pro Motorcycle.

Submission is of false implication and that the
daughter of the informant was burnt due to fall of earthen lamp



and she was brought to PMCH by the petitioners and their family members where she was not saved. Earlier fardbeyan of father of the petitioners was recorded by the Police of Pirbahore Police Station and from inquest report also it reveals that due to fall of earthen lamp the informant's daughter received burn injury but due to the reason best known to the informant he lodged this case. However, after realizing the truth, the informant has filed compromise petition also before the learned court below. Petitioner no. 1 has suffered injury when he was trying to save her.

Learned APP opposed the prayer of pre-arrest bail of the petitioners.

Considering that the petitioner no. 1 is the husband and his wife died within seven years of marriage and there is allegation of demand of dowry, this Court is not persuaded to grant the privilege of pre-arrest bail to petitioner no. 1, namely, Dhanu Kumar @ Dhana Chauhan, accordingly, his such prayer stands rejected.

So far as petitioner no. 2 is concerned, he is dewar and against whom there is no specific allegation, petitioner no. 2 above named, in case of his surrender or arrest within two months from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (ten

thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Fulwariya P.S. Case No. 7 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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