

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34759 of 2014

Arising Out of PS.Case No. -166 Year- 2013 Thana -BARHARA District- BHOJPUR

=====

1. Ashok Noniya
2. Munna Noniya Both sons of Rampujan Noniya
3. Rajima Devi @ Raji Devi wife of Ahok Mahto,
All are resident of village- Saraiya, P.S.- Krishnagarh, District- Bhojpur
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr. Aditya Narayan Singh-1
For the Opposite Party/s : Mr. Anil Kumar (APP)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 18-02-2015

Heard both sides.

The petitioners, three in number, apprehend their arrest in a case registered under Sections 498(A), 364/34 of the Indian Penal Code and Sections 3 / 4 of the Dowry Prohibition Act.

According to the prosecution case, it is alleged that the petitioners killed Rubi Devi due to non-fulfillment of demand of dowry.

It is submitted that Rubi Devi, wife of Munna Nuniya, appeared in court and made her statement after four months of the occurrence. She disclosed that the accused persons had taken her out side the house on the pretext to see her parents. She did not make specific allegation against her husband or any other person. The police, after investigation, submitted

chargesheet under Sections 498(A), 364/34 IPC and Section 3 / 4 of the Dowry Prohibition Act.

On consideration of the facts that petitioner no. 1 Ashok Noniya and petitioner no. 3 Rajima Devi @ Raji Devi are brother-in-law and sister-in-law of Rubi Devi, the daughter of the informant, the above named petitioners no. 1 and 3, in the event of their arrest or surrender before the learned 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 bail on furnishing bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur, Ara in Barhara (Krishnagarh) P.S. Case No. 166/13, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the case of petitioner no. 2 Munna Noniya is concerned, considering the fact that petitioner no. 2 is the husband of Rubi Devi and Rubi Devi made a very specific allegation against her husband, I am not inclined to enlarge the above named petitioner no. 2 on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

Dilip/-

U		T	
---	--	---	--