

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44902 of 2014

Arising Out of PS.Case No. -513 Year- 2014 Thana -NAWADA District- NAWADA

Ravi Kumar S/o Sri Shiv Kumar Prasad Resident of Mohalla
Rajendranagar, P.S. Nawada, District Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.44909 of 2014

Arising Out of PS.Case No. -513 Year- 2014 Thana -NAWADA District- NAWADA

Shaila Devi W/o Sri Shiv Kumar Prasad Resident of Mohalla
Rajendranagar, P.S. Nawada, District Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

(In Cr.Misc. Nos. 44902 of 2014 & 44909 of 2014)

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate &
Mr. Manoj Kumar Sinha, Advocates.

For the Opposite Party/s : Mr. Satyendra Prasad, A.P.P.

For the Informant: Mr. Sheo Kumar Prasad, Advocate.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

7 29-07-2015 Heard both sides.

The petitioners in Cr. Misc. No. 44902/2014 & Cr.
Misc. No. 44909/2014, namely, Ravi Kumar and Shaila Devi
respectively apprehend their arrest in a case under Section
304(B)/34 of the Indian Penal Code.

The brother of the deceased stated that he married his
sister with Ravi Kumar in the year 2009 but her husband and other
in-laws were torturing her. It is alleged that all the accused persons



poisoned his sister to death and the informant handed over the father-in-law of the deceased to the police along with the dead body of the deceased. Learned counsel for the petitioners submits that the deceased died on account of illness. She was under the treatment of the doctor at Sadar Hospital, Nawada but her father intervened and started his own treatment. The doctor did not find any external or internal injury. The viscera was preserved. According to the FSL report, no poisonous substance was found in the viscera. The husband was not even present in the house on the date of occurrence. He was present in Bhagalpur Teachers Training College.

On the other hand, learned counsel for the complainant-informant, however, vehemently opposed the prayer for anticipatory bail and submitted that Ravi Kumar is the husband and the deceased died within five years of her marriage.

On perusal of the record, it appears that, of course, the brother of the deceased made allegation that the deceased was poisoned to death by her husband and other in-laws but the doctor did not find any injury, either external or internal. The FSL report shows that no poisonous substance was found. The case of the petitioners is that the deceased died of illness and not on account of any torture. Even during the course of investigation, none of the

witnesses have supported the factum of torture on account of non-fulfillment of demand of dowry.

Considering the facts aforesaid, the petitioners, namely, Ravi Kumar and Shaila Devi, 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 bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in Nawada Town P.S. Case No. 513/2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Dilip/-

(Prabhat Kumar Jha, J)

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