

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49555 of 2014

Arising Out of PS.Case No. -49 Year- 2014 Thana -SANHOLA District- BHAGALPUR

Hema Devi, Wife of Late Jaldhar Mandal, Resident of Village - Chak
Suleman, P.S. Sanhoulla, District - Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.50412 of 2014

Arising Out of PS.Case No. -49 Year- 2014 Thana -SANHOLA District- BHAGALPUR

Diwakar Mandal son of Late Jaldhar Mandal, resident of village- Chak
Suleman, P.S. Sanhoulla, District- Bhagalpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.49555 of 2014)

For the Petitioner/s : Mr. Janki Nandan Prasad, Adv.

For the Opposite Party/s : Mr. Anil Pd. Singh, A.P.P.

(In Cr.Misc. No.50412 of 2014)

For the Petitioner/s : Mr. Janki Nandan Prasad, Adv.

For the Opposite Party/s : Mr. Anil Pd.Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-04-2015 Criminal Miscellaneous No. 49555 of 2014 wherein Hema Devi is the petitioner and Criminal Miscellaneous No. 50412 of 2014 wherein Diwakar Mandal is the petitioner commonly originate out of Sanhoulla P.S. Case No. 49 of 2014 (G.R. No. 2320 of 2014) and on account thereof, have been heard together and are being disposed of by a common order.

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners, apprehending their arrest in connection with Sanhoulla P.S. Case No. 49 of 2014 (G.R. No. 2320 of 2014) registered for the offences punishable under Sections 304 (B) and 201/34 of the Indian Penal Code.

From perusal of the First Information Report, it appears that the informant has alleged that the deceased Sarita Devi was married six years ago with Diwakar Mandal. After certain period of marriage, the in-laws started torturing the deceased for the demand of dowry and for the said reason, it is alleged that the deceased had taken poison. It is further stated that the husband of the deceased had taken Sarita Devi to private Doctor but subsequently on 21.06.2014, she died.

On behalf of the petitioners, it has been submitted that the petitioners have no criminal antecedents nor the petitioners had made any demand of dowry. The petitioner in Criminal Miscellaneous No. 49555 of 2014 is the mother-in-law and the petitioner in Criminal Miscellaneous No. 50412 of 2014 is the husband of the deceased. It has further been submitted that the First Information Report has been instituted after eight days of the occurrence.

The learned Additional Public Prosecutor appearing on behalf of the State has vehemently opposed the prayer of the petitioners for grant of anticipatory bail and submitted that there is specific allegation against the petitioners.

Considering the aforesaid facts and the circumstances of the case, let the petitioner namely, Hema Devi be released on anticipatory bail in the event of her arrest or surrender in the court below within four weeks on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the

satisfaction of Sri Shamim Anwar, learned Judicial Magistrate 1st Class, Bhagalpur in connection with Sanhoulla P.S. Case No. 49 of 2014 (G.R. No. 2320 of 2014), subject to the conditions, as laid down under Section 438(2) Cr.P.C. As far as the petitioner namely, Diwakar Mandal is concerned, his application for anticipatory bail is rejected with direction to surrender before the court below within a period of six weeks and seek regular bail.

(Sudhir Singh, J.)

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