

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47615 of 2015

Arising Out of PS.Case No. -79 Year- 2015 Thana -SANGRAMPUR District- MUNGER

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1. Nirmal Kumar @ Bhai Nirmal Kumar Son of Late Shailendra Prasad Singh.

2. Sweta Kumari @ Sweta Rani wife of Nirmal Kumar @ Bhai Nirmal Kumar.

Both residents of village Tetiya, Police Station Sangrampur, District Munger.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 03-11-2015

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

The petitioners apprehend arrest in Sangrampur P.S. Case No. 79 of 2015 dated 29.06.2015 instituted under Sections 341/323/304B/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The allegation against the petitioners and others is of killing the daughter of the informant who was married to the younger brother of petitioner no. 1 about a month and a half prior to the incident. Learned counsel submits that the petitioner no. 1 is the elder brother of the husband of the deceased and petitioner no. 2 is his wife and much prior to marriage itself, there was partition between them and they were living separately. It is submitted that even



in the F.I.R., though the allegation is demand of dowry and of being party to killing the daughter of the informant but it is also admitted that it was petitioner no. 1 who had informed the informant with regard to the death of his daughter. Learned counsel submits that in the F.I.R. itself, it has been mentioned that certain jewellery and cash was given at the time of marriage and even if it is assumed for the sake of argument that there was torture with regard to further dowry by the petitioners and other family members, it cannot be believed that they would be so impatient so as not to wait for some time and kill the daughter of the informant within one and a half months of the marriage. It is submitted that the fact is that she fell from the roof resulting in her death. It is further submitted that the petitioners have no criminal antecedent.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that there is allegation of torture against the petitioners also. However, he is not in a position to controvert the fact that the same is general and omnibus in nature.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with

two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger in Sangrampur P.S. Case No. 79 of 2015, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J.)

P. Kumar

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