

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48558 of 2014

Arising Out of PS.Case No. -50 Year- 2014 Thana -NIMCHAKBATHANI District- GAYA

1. Usha Devi, W/o Sanjay Prasad
2. Sanjay Prasad, S/o Late Ghanshyam Mahto
Both are Resident of Village Simaraur, P.S. Neemchak Bathani, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar

For the Opposite Party/s : Mr. Indu Kumari Srivastava (App)

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 20-02-2015 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant.

The petitioners, namely, Usha Devi and Sanjay Prasad are in custody in connection with Neemchak Bathani P.S. Case No.50 of 2014 under Section 498A of the Indian Penal Code and $\frac{3}{4}$ of the Dowry Prohibition Act.

The learned counsel for the petitioners submitted that the sister of the informant was residing with her husband along with the petitioners, who are Bhaisur and Gotani of sister of informant. The sister of informant was being subjected to cruelty in connection with demand of dowry. Since last one year the sister of informant and her son are missing.



The learned counsel for the petitioners submitted that subsequently during investigation police found the case under Section 498A of the Indian Penal Code against the petitioners and the husband. According to the husband, who is in custody, the sister of the informant was going by Shramjeevi Express with her husband and in the way near Lucknow she jumped from the train with her son. Thereafter the police submitted charge-sheet under Section 498A of the Indian Penal Code and section 3/4 of Dowry Prohibition Act.

On the other hand, the learned counsel appearing on behalf of the informant objected the prayer for bail and submitted that still today the dead body of the sister of informant and her son are not found. Therefore, there is suspicion that the petitioners including the husband of the sister of informant must have murdered the sister of the informant and her son.

It may be mentioned here that it is not the case under Section 304B of the Indian Penal Code. The charge-sheet under Section 498A of the Indian Penal Code and 3/4 of Dowry Prohibition Act has been filed by the police. The police found the case that the sister of the informant along with her son jumped from the train. Admittedly the husband of the sister of the informant is in custody, therefore, the allegation against the

petitioners, who are Bhaisur and Gotani, is that they were torturing the sister of the informant in connection with dowry demand.

Considering the facts and circumstances of the case, I direct that both the petitioners named above be released on bail on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of Smt. Kumari Vijay, Judicial Magistrate, 1st Class, Gaya in connection with Neemchak Bathani P.S. Case No.50 of 2014.

(Mungeshwar Sahoo, J)

Harish/-

U			
---	--	--	--