

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56085 of 2015

Arising Out of PS.Case No. -139 Year- 2014 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

- =====
1. Bhola Paswan @ Rohit Paswan Son of late Hari Paswan
 2. Punam Devi wife of Bhola Paswan both Resident of Village- Parna Dabar, P.s Sirdala in the District of Nawada.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rajo Prasad S/o Sahdeo Prasad R/o Village-Sirdala, P.s Sirdala, Dist Nawada., Presently residing at Village- Srinagar Putaki, P.s Putaki, Dist Dhanbad(Jharkhand)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar
For the Opposite Party/s : Mr. R.Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-12-2015 Petitioner No. 1 being husband of the victim and petitioner No. 2 being second wife of petitioner No. 1 are apprehending their arrest in a protest-cum-complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 304B/34 of the Indian Penal Code.

The prosecution case is that the informant's daughter was killed for non-fulfilment of dowry demand.

It is submitted by learned counsel for the petitioners that on conclusion of the investigation the petitioners were not sent up for trial and final form was accepted. Thereafter, on protest the matter was proceeded and consequently order of cognizance has been passed. It is further

submitted that as per the own averment of the informant in the written report which led to the registration of the F.I.R, the victim was married with the petitioner No. 1 in 2005 when she died in 2012 just approaching seven years of marriage. Moreover during investigation, it was found that the victim was suffering from kidney ailment and co-accused Chameli Devi has been granted anticipatory bail vide Cr. Misc. No. 23226 of 2015.

Considering the fact that petitioners were not sent up for trial, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Nawada in connection with Protest-cum-Complaint Case No. 139 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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