

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48243 of 2014

Arising Out of PS.Case No. -325 Year- 2013 Thana -BOCHHA District- MUZAFFARPUR

1. Parwati Devi W/o Jai Lal Rai
2. Gita Devi W/o Hans Lal Rai
3. Ramrati Devi W/o Late Dahu Rai
4. Hans Lal S/o Late Dahu Rai
5. Jai Lal Rai S/o Late Dahu Rai
6. Jinish Rai S/o Late Dahu Rai All Resident of Village Tamoliya, P.S. Bochaha, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Md.Aslam Ansari(App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 30-04-2015 Bochaha PS case No. 325/2013 disclosing offences under sections 304B/201/120B/34 of the IPC has been instituted upon reference under section 156(3) of the Cr. P. C. on the complaint case filed by the father of the deceased. The petitioners are family members of the husband of deceased and seek anticipatory bail as they apprehend arrest in the said case.

Learned counsel for the petitioners has submitted that in order to make out a case under section 304B of the IPC the complainant has wrongly stated that the marriage had taken place six years prior to the date of occurrence. He has submitted that as a matter of fact the deceased was married to son of petitioner No.3 more than seven years ago and, therefore, no offence under section 304B of the IPC is made out. He has further submitted that in order to put undue pressure upon these petitioners, father of the

deceased has instituted a case so that they may transfer the immovable properties in the name of children of the deceased. He has further submitted that as they were mounting pressure, the family members of the husband of the deceased had already transferred some land in favour of minor son of the deceased on 13.06.2013. He has submitted that institution of complaint case after several dates of the alleged occurrence is malicious. Petitioners Nos. 1 and 2 are the wives of the brother of the husband of the deceased whereas petitioners Nos. 4, 5 and 6 are brothers of husband of deceased. Petitioner No.3 is mother-in-law of the deceased. It has also been contended that there is no allegation that immediately before the death of the deceased, there was demand of dowry by these petitioners.

In view of submissions, as above, and the fact that the petitioners are family members of the deceased, let the petitioners, above named, in the event of their arrest/ surrender within a period of six weeks from today shall be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Bochaha PS case No. 325 of 2013, subject to condition as laid down u/s 438(2) of the Code of Criminal Procedure.

(Chakradhari Sharan Singh, J)

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