

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48763 of 2014

Arising Out of PS.Case No. -230 Year- 2014 Thana -MOHANIA District- BHABHUA (KAIMUR)

- =====
1. Ajay Kumar Pandey Son of Late Lakshmi Kant Pandey
 2. Raj Kumari Kuar Wife of Late Lakshmi Kant Pandey Both above are residents of Village - Pakadihar Kala, Police Station - Mohania, District - Kaimur at Bhabua.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Sharma

For the Opposite Party/s : Mr. Ram Sewak Choudhary(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 23-04-2015

Supplementary affidavit on behalf of the petitioners

has been filed. Keep it on the record.

Heard learned counsel for the petitioners as well as
learned counsel for the State.

In this application for anticipatory bail the petitioners
apprehend their arrest for the offences punishable under sections
304B and 201 read with section 34 of the I.P.C.

Daughter of the informant was married with petitioner
no.1 in the year, 2011 but after marriage allegedly she was being
tortured due to non fulfillment of demand of she-buffalo and
motorcycle and ultimately she was poisoned to death.

Submission is of false implication and that wife of



petitioner no.1 consumed poison while the petitioners were not present in the house and when they returned they brought her to hospital for treatment but she died. Now the informant after realizing the real fact has compromised the case and has filed compromise petition in the court of the learned C.J.M. Bhabua showing innocence of the petitioners which has been brought on record by way of supplementary affidavit.

The learned A.P.P. opposes prayer for bail.

Considering that petitioner no.2, namely, Raj Kumari Kuar is an old mother-in-law having no specific allegation and as such she being an old lady, in case of her arrest or surrender within two months from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of. C.J.M. Kaimur at Bhabua in Mohania P.S. Case No. 230 of 2014, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

But considering that petitioner no.1, namely, Ajay Kumar Pandey is the husband and there is specific allegation against him for demanding dowry by way of she-buffalo and motorcycle and further unnatural death occurred during seven years of marriage and as such prayer for pre-arrest bail of

petitioner no.1 is hereby rejected.

However, in case and if so advised the petitioner no.1 surrenders and seeks regular bail then his prayer for regular bail shall be considered and disposed of on the same day.

(Jitendra Mohan Sharma, J)

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