

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48378 of 2014

Arising out of PS.Case No. -185 Year- 2014 Thana -MARHAURA District- SARAN

- =====
1. Chinta Devi, W/o Krishna Rai.
 2. Minta Devi, W/o Sunil Rai.
 3. Vimal Devi, W/o Ram Pukar Rai.
 4. Krishna Rai.
 5. Sunil Rai. Both are S/o Ram Pukar Rai.
 6. Ram Pukar Rai, S/o Late Raj Ballam Rai. All are residents of Village Ema Shkhapura, P.S. Marhowrrah, District Saran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Mukesh Kumar Rana, Advocate.

For the Opposite Party : Mr. T.P.Mandal(App)

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

4 20-05-2015 Vide order dated 19.02.2015, anticipatory bail application of petitioner no. 5, Sunil Rai, was disposed of as during the pendency of the present application, the petitioner no. 5 was arrested.

The petitioners are apprehending their arrest in connection with Morhowrah P.S. Case No. 185 of 2014 for the offences instituted under Section 304(B) of the Indian Penal Code.

Heard learned counsel for the petitioners and the State.

The prosecution story, in brief, is that the petitioners being in-laws members of the daughter of the informant alongwith her husband used to torture her in various ways and assault for

non-fulfilment of dowry demand by way of four wheeler and cash amount of Rs. Five Lacs and ultimately they poisoned her to death within seven years of marriage. When he reached at the PO house, he saw his daughter lying dead and froth coming out from her mouth.

It has been submitted on behalf of the petitioners that the petitioner no. 1 is the Gotani, petitioner no. 2 is also Gotani, petitioner no. 3 is also Gotani, petitioner no. 4 is Bhaisur and petitioner no. 6 is the father-in-law. From perusal of the F.I.R., it appears that the year of marriage of the deceased is said to be the year 2005 and date of occurrence is said to be 2014. The incident is said to have taken place after nine years of marriage. Hence, Section 304(B) of the I.P.C. is not attracted in the present case. It has also been submitted that the petitioners are separate in mess and property from co-accused Sanjay Ray (husband) of the deceased. From the order of the learned Sessions Judge, it appears that the informant of the present case has admitted that due to the mistake of fact he had instituted the present case.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named except petitioner no. 5, be released on

bail in the event of their arrest or surrender before the learned court below within a period of eight weeks from today in connection with Morhowrah P.S. Case No. 185 of 2014 on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Saran at Chapra, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

U		T	
---	--	---	--