

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40696 of 2015

Arising Out of PS.Case No. -36 Year- 2014 Thana -PAUTHU District- AURANGABAD

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1. Sarita Devi W/o Awadhesh Singh
2. Awadhesh Singh S/o Keshwar Singh Both residents of village - Pokhar
Bigha, P.S. - Pauthu, District - Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kr Singh No. 6

For the Opposite Party/s : Mr. Nityanand (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 09-11-2015 Heard both sides.

The petitioners apprehend their arrest in Pauthu P.S.
Case No. 36/2014, registered for the offences punishable under
Section 304B and other sections of the Indian Penal Code and
Section 3 and 4 of Dowry Prohibition Act.

The mother of the deceased stated that his daughter was
married with Chandan Kumar son of petitioner no. 2 Awadhesh
Singh about a year ago and went to her sasural. Chandan Kumar
and Awadhesh Singh were demanding motorcycle and Rs.
50,000/-.

On 19.06.2014, the informant got information that
condition of her daughter was serious. The informant went there

and found the step mother of Chandan Kumar inside the house. On enquiry, the step mother of Chandan Kumar disclosed that Chandan, his father and others brutally assaulted and killed her daughter and concealed the dead body by the side of river Madar.

The learned counsel for the petitioner submits that petitioner father-in-law and mother-in-law of the deceased are living separately. During the course of investigation it has come to notice that 2-3 days before the occurrence, Chandan Kumar, husband of the deceased brought his wife in his own house. The deceased wanted to go along with her husband, but Chandan Kumar was not willing and that is why the deceased consumed poison and died.

But it appears that the informant has made very specific allegation that Chandan and his father Awadhesh Singh were torturing the deceased. The deceased was killed and her dead body could not be traced out even during the course of investigation.

Considering the facts that specific allegation of torture is made against petitioner no. 2 Awadhesh Singh father-in-law of the deceased, I am not inclined to enlarge petitioner no. 1, Awadhesh Singh on anticipatory bail. Accordingly, the same is rejected.

So far as, the case of Sarita Devi petitioner no. 1 is concerned, the informant has not made any sorts of allegation

against her. Although, she made allegation of torture against the husband, father-in-law of the deceased. The petitioner was present in the house when the informant came to enquire about the whereabouts of her daughter and it was the petitioner no. 1, who disclosed that Chandan and his father assaulted and killed her daughter and concealed the dead body, petitioner no. 1 Sarita Devi, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Pauthu P.S. Case No. 36/2014, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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