

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40564 of 2015

Arising Out of PS.Case No. -130 Year- 2015 Thana -GHANSHYAMPUR District- DARBHANGA

Mahavir Sahni @ Mahavir Mukhiya Son of Singheshwar Sahni, Resident of Village -Korthu, Police Station - Ghanshyampur, District - Darbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.47857 of 2015

Arising Out of PS.Case No. -130 Year- 2015 Thana -GHANSHYAMPUR District- DARBHANGA

- 1. Sita Devi wife of Mahavir Sahni
- 2. Phooldaee @ Phool Daey Younger daughter of Mahavir Sahni D/o Mahavir Sahni Both residents of Village - Korthu, Police Station - Ghanshyampur, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.40564 of 2015)

- For the Petitioner/s : Mr. Pankaj Kumar Jha, Adv.
- For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1 (App)

(In Cr.Misc. No.47857 of 2015)

- For the Petitioner/s : Mr. Pankaj Kumar Jha, Adv.
Mr. Shekhar Kr. Singh, Adv.
- For the Opposite Party/s : Mr. Binod Kumar -III(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 09-11-2015 Heard both sides.

The petitioners apprehend their arrest in Ghanshyampur P.S. Case No. 130/2015, registered for the offences punishable under Sections 304B, 201/34 of the Indian Penal Code.

The informant alleged that his daughter was married with Kailash Mukhiya, son of the petitioners Mahavir Mukhiya @ Mahavir Sahni and Sita Devi on 4th February, 2015, but after marriage, her husband, father-in-law, mother-in-law and sister-in-law began to demand Rs. 1 lacs and motorcycle and his daughter was poisoned to death.

It is submitted that the daughter of the informant was not ready to marry with Kailash Mukhiya and that is why she herself took the poison. During course of investigation it has come that the married daughter of the informant, namely Malti Devi was not in her house.

Taking into consideration that there is allegation against the petitioners Mahavir Sahni and Sita Devi, who happens to be father-in-law and mother-in-law of the deceased, that they started torturing the deceased due to non-fulfillment of demand of dowry immediately after marriage and within six months of marriage the daughter of the informant was poisoned to death and the petitioners tried to cremate the dead body of his daughter but was recovered, I am not inclined to enlarge the petitioners Mahavir Sahni and Sita Devi on anticipatory bail. Accordingly, the same is rejected.

So far as the case of Phooldai is concerned, she is

sister-in-law of the deceased and the youngest member of the family of the in-laws of the deceased. Of course, she is also alleged to have tortured the deceased, but she is unmarried and minor.

Considering the facts aforesaid, the petitioner Phooldai above named 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 anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Raja Ram Santosh Kumar, Judicial Magistrate 1st Class, Biraul, Darbhanga in connection with Ghanshyampur P.S. Case No. 130/2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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