

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37437 of 2015

Arising Out of PS.Case No. -143 Year- 2015 Thana -KARAHGAR District- SASARAM (ROHTAS)

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1. Ram Keshwar Pathak, Son of Late Pantaru Pathak, Resident of Village- Bhawadih, P.S.- Kargahar, District- Rohtas
 2. Mamta Pathak wife of Girdhar Pathak, Resident of Village- Bhawadih, P.S.- Kargahar, District- Rohtas. At present Upgraded Middle School, Lutru, P.S. Shiv Sagar, District- Rohtas Sasaram

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sinha

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 15-09-2015

Heard learned counsels for the petitioners

and the State.

The petitioners being the grand father and sister-in-law (Bhabhi) of the victim are apprehending their arrest in a case registered for the offences punishable under Sections 306 and 201/34 of the Indian Penal Code.

The prosecution case is that the son-in-law of the informant was employed in a private firm at Delhi when the family members of the son-in-law were not satisfied with the share of earning being given by the victim to his family and subsequently they pressurized to him to demand

dowry as a result the victim consumed poison.

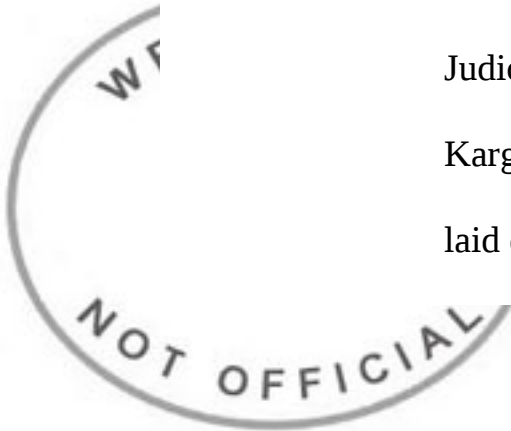
It is submitted by learned senior counsel for the petitioners that the accusation is based only on suspicion and even assuming the accusation in the FIR no offence under Section 306 IPC is made out as mere the dispute with regard to the sharing money the victim has committed suicide, that does not amount to constituting an offence under Section 306 IPC against the petitioners.

It is submitted by learned counsel for the informant that due to the fight between the petitioners and the victim the victim committed suicide and the dead body was hurriedly disposed of. This fact has been supported by agnates of the victim Janardan Pathak.

It is further submitted by learned senior counsel for the petitioners that Janardan Thakur is on inimical terms with the petitioners as Partition Suit is pending between the parties.

Considering the nature of accusation, petitioner no. 1 aged about 72 years and petitioner no. 2 is a lady, let the above named petitioners be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing

bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Kargahar P.S. Case No. 143 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



(Dinesh Kumar Singh, J)

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