

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8331 of 2015

Arising Out of PS.Case No. -163 Year- 2014 Thana -PIPRAKOTHI District-
EASTCHAMPARAN(MOTIHARI)

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1. Ajay Kumar son of Sheonath Bhagat
2. Sumitra Devi wife of Ajay Kumar
3. Chandravati Devi wife of Sheonath Bhagat
All residents of Village- Mathurapur Math Gopal, P.S- Piprakothi, District-
East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.
For the Opposite Party/s : Mr. Anil Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL ORDER

4 02-07-2015 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This is an application seeking anticipatory bail in a case
registered for the offences punishable under Sections 341, 328,
304B, 120 B/34 of the Indian Penal Code.

The petitioner no. 3 is the mother-in-law whereas
petitioner no. 1 is the brother of the husband of the deceased and
Petitioner no. 2 is wife of petitioner no. 1.

As per the prosecution story, the deceased was married
to Anil Kumar in June, 2014. She was pregnant and allegedly, her
in-laws administered poison in the name of giving her medicine.

Learned counsel appearing on behalf of the petitioners



has submitted, referring to the First Information Report that the prosecution case is highly improbable inasmuch as it is unbelievable that after administering poison, the in-laws would take the informant's daughter to hospital for treatment. He submits that admittedly the deceased was taken to hospital for her treatment where she died. He has further contended that there is no material to show that the deceased died of poisoning.

Learned counsel appearing on behalf of the informant has submitted that keeping in view the nature of allegation, the petitioners do not deserve the privilege of anticipatory bail.

Upon perusal of the First Information Report, I find that no case under Section 304B of the Indian Penal Code is prima facie, made out as there is no allegation of demand of dowry by the in-laws. Secondly, there is no allegation in the First Information report as to who administered poison to the deceased even if the story, as narrated in the First Information Report, is taken to be true for the purpose of consideration of the present application for anticipatory bail.

In view of the submission as above, let the petitioners above named, in the event of their arrest or surrender before the court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two

sureties of the like amount each to the satisfaction of learned Chief
Judicial Magistrate, East Champaran at Motihari in connection
with Piprakothi P.S. Case No. 163 of 2014, subject to the
conditions as laid down under Section 438(2) of the Code of
Criminal Procedure.

(Chakradhari Sharan Singh, J.)

Vats/-

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