

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33739 of 2015

Arising Out of PS.Case No. -38 Year- 2015 Thana -MARHAURA District- SARAN

- =====
1. Fuljhari Devi wife of Banshi Mahto
 2. Rina Devi wife of Birendra Mahto
 3. Birendra Mahto, son of Banshi Mahto
 4. Mansi Mahto @ Banshi Mahto son of Late Balrup Mahto All are resident of Village- Talpuraina Muriya Tola, P.S.- Marhowrrah, District- Saran, Chapra.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

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

For the Opposite Party : Mr. R.B. Roy Raman (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

7 15-12-2015 Heard both sides.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 304(B) and other Sections of the Indian Penal Code.

Uncle of the deceased made allegation that the father of the deceased informed him that his daughter Pinki died during the course of treatment. The informant was asked to stay at Singhi Chowk. But when the informant went to the house of the husband of the deceased he found that the dead body was cremated.

It is submitted that the deceased was, of course, married on 10th May, 2014 and she died within one year of her marriage,

but there is no allegation of demand of dowry and torture against the sister-in-law Rina Devi petitioner no. 2 and brother-in-law Birendra Mahto petitioner no. 3. They are living separately and they have no manner of concern with the deceased or her family. It is further submitted that against mother-in-law and father-in-law also there is no specific allegation.

Considering the fact that, of course, there is allegation that immediately after marriage Birendra Mahto and his wife also demanded dowry but the case of petitioner nos. 2 and 3 that they are living separately and no such complain was made about the demand of dowry and torture against the petitioner nos. 2 and 3 Rina Devi and Birendra Mahto respectively, in the event of their 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, are directed to be enlarged on bail 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 Chief Judicial Magistrate, Saran at Chapra in Marhowrrah P.S. Case No. 38 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far as the case of petitioner no. 1 Fuljhari Devi and petitioner no. 4 Mansi Mahto @ Bansi Mahto is concerned, they are mother-in-law and father-in-law of the deceased, the deceased

died within one year of her marriage and there is allegation of demand of dowry and torture against them even the dead body of the deceased was hurriedly cremated without holding post-mortem examination on the dead body, I am not inclined to enlarge the of petitioner no. 1 Fuljhari Devi and petitioner no. 4 Mansi Mahto @ Bansi Mahto on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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