

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25696 of 2015

Arising out of PS.Case No. -72 Year- 2015 Thana -TAJPUR District- SAMASTIPUR

1. Chandan Kumar Thakur, S/o Arun Kumar Thakur.
2. Asha Devi, W/o Arun Kumar Thakur. Both residents of Village- Hari
Lochanpur Tiswara, P.S.- Tajpur (Halai), District- Samatipur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Surya Narayan Roy, Advocate.

For the Opposite Party : Mr. Umeshanand Pandit(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 22-09-2015 Heard learned counsel for the petitioners and learned
counsel for the State

The petitioners are apprehending their arrest in connection
with Tajpur(Halai) P.S. Case No. 72/2015 for the offences
instituted under Sections 304(B) and 120(B)/34 of the IPC.

The prosecution story, in brief, is that the marriage of
third daughter Sanju Devi of the informant was solemnized with
the petitioner Chandan Kumar Thakur on 29.06.2009 according to
Hindu rites and rituals. After Durgaman, his daughter went to her
matrimonial house. Just after arrival of his daughter, both
petitioners used to behave in a cruel manner with his daughter.
Out of the wedlock of his son-in-law his daughter be got two sons



Naitik Raj and Rishabh Raj. They pressurized her for purchasing a she-buffalo and under pressure she delivered she-buffalo to the petitioners. In the April, 2014 both petitioners assaulted mercilessly his daughter for which Panchayati was convened in which they categorically stated to deliver a Bolero vehicle in dowry. Anyhow, he delivered Rs. 50,000/- and due to said reason, his son-in-law purchased second hand Tempo. He used to spent the earned money in drinking wine when his daughter used to protest she was brutally assaulted and abused. On 15.12.2014, his daughter filed a complaint petition in the court of Sri Nitin Kaushik, J.M., against her husband. They persuaded his daughter for making compromise and carried her and on 05.03.2015 committed her murder after pressing her neck. He rushed there and came to know that the police sent dead body for postmortem examination and all the in-laws members were absconding. Both grand sons were weeping.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. It is further submitted that the petitioner no. 1 is the husband of the deceased and petitioner no. 2 is the mother-in-law of the deceased. It is further submitted that the petitioner no. 2 has been made accused in the present case due to mistake of fact. There is no specific allegation

made against her. She is a lady.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to petitioner no. 1, Chandan Kumar Thakur. The same is rejected.

So far as petitioner no. 2 Asha Devi is concerned, let her be released on bail in the event of her arrest or surrender before the learned court below within a period of four weeks from today in connection with Tajpur (Halai) P.S. Case No. 72 of 2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Samastipur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)