

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38323 of 2014

Arising Out of PS.Case No. -71 Year- 2014 Thana -KHIJARSARAI District-
GAYA

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1. Birendra Prasad son of Late Prasadi Mahto
2. Radhika Devi @ Aajhola Devi w/o Birendra Prasad Both 1 AND 2 are residents of Village - Hathiawan, P.S. - Khizorsarai, District - Gaya.
3. Shiv Kumar Prasad @ Chunnu Singh s/o Late Ambica Singh
4. Nilam Devi @ Bablia Devi w/o Shiv Kumar Singh @ Chunnu Singh Both 3 AND 4 are residents of Village - Man Singhpur, PS - Tolhara, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajni Kant Jha

For the Opposite Party/s : Mr. Mustaque Alam (App)

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

02. 13.03.2015

Heard learned counsel for the parties.

Marriage was performed more than 15 years ago. On allegation made in the F.I.R. with regard to demand of dowry, the case came to be instituted against the petitioners, who was said to be father-in-law, mother-in-law, sister-in-law and brother-in-law (Nandoshi). They have been charged under section 304 (B), 201 read with section 120 (B) I.P.C. in Khizersarai P. S. Case No. 71 of 2014.

Counsel for the petitioners could be correct that since the marriage was performed 15 years ago, the ingredients of 304 (B) is not made out. What other

sections will be applicable is for the prosecution to decide.

Giving benefit of doubt at this stage, especially when investigation is still on, anticipatory bail application of the petitioners is allowed.

Let the petitioners, above-named, in the event of their arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Khizersarai P. S. Case No. 71 of 2014, which shall be abide by the terms and conditions mentioned in sub-section (2) of section 438 of the Code of Criminal Procedure.

(Ajay Kumar Tripathi, J.)

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