

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44485 of 2014

Arising Out of PS.Case No. -110 Year- 2014 Thana -GORAUL District- VAISHALI(HAJIPUR)

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1. Ram Singari Devi Wife of Rajendra Rai
2. Dinesh Rai Son of Rajendra Rai Both are resident of Village - Sihar,
Bhatoliya, P.S. - Goraul, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Bharat Lal (APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 28-04-2015 Heard learned counsel for the petitioners as well as
learned APP.

Deceased, Pramila Devi died at her Sasural on
account of which, a written report was filed by her father, Ram
Ekbal Rai alleging *inter alia* that due to non fulfilment of demand
of dowry, she was assaulted and then throttled to death.
Furthermore, to avoid screening themselves, concealed the dead
body.

It has been submitted on behalf of petitioners that
petitioner no.1 is mother-in-law while petitioner no.2 is the
husband. It has also been submitted that from perusal of further
statement of informant, it is apparent that marriage took place 13-
14 years back and on account thereof, no offence under Section
304B of the IPC is made out. It has also been submitted that

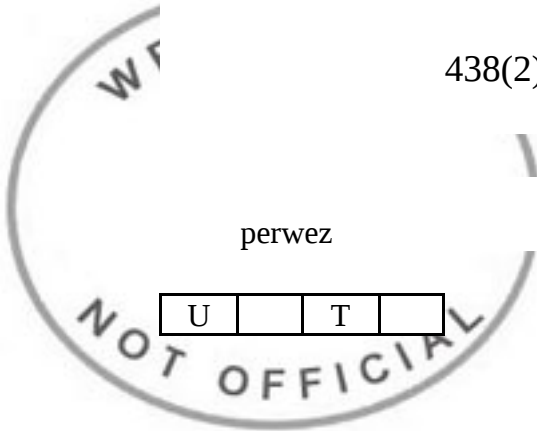
deceased was an idiot and quarrelsome lady and from the statement of witnesses, it is apparent that out of passion, she on her own, consumed poisonous substance and committed suicide and for that, none is responsible. So submitted that petitioners are entitled for grant of anticipatory bail.

Learned APP opposed the prayer.

Gone through the case diary. From perusal of the same, it is apparent that none is an eyewitness to occurrence and that being so, it was incumbent, at least, upon the petitioner no.2, the husband, on account of consistent disclosure by witnesses regarding his presence, to explain the cause of death, more particularly, in the background of the fact that dead body was removed before initiation of legal prosecution. That being so, there happens to be no cogent reason to accede to the prayer made on behalf of petitioner no.2, the husband, namely, Dinesh Rai and accordingly, his prayer for anticipatory bail is rejected.

So far as petitioner no.1 is concerned, the witnesses have stated that there happens to be separate mess and business and accordingly, petitioner no.1, Ram Singari Devi, in the event of her arrest/surrender within four weeks, is directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of SDJM, Vaishali at

Hajipur in connection with Goraul (Kathara)PS Case No.
110/2014, subject to the condition so enumerated under Section
438(2) Cr.P.C.



(Aditya Kumar Trivedi, J)