

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35070 of 2015

Arising Out of PS.Case No. -28 Year- 2015 Thana -KATEYA District- GOPALGANJ

- =====
1. Bhawnath Ram @ Bhagwan Ram Son of Late Purnawasi Ram,
 2. Asha Devi, Wife of Bhawanath ram,
- Both are resident of village Gauri bazar, P.S. - Katya, District – Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha

For the Opposite Party/s : Mr. Tapeswar Sharma (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 18-08-2015

It is submitted by learned counsel for the petitioner that petitioner no. 1 Bhawnath Ram has been arrested, hence, the application on his behalf has become infructuous and accordingly, it is disposed of.

The petitioner no. 2 being the mother of the husband of the victim is apprehending her arrest in a case registered for the offences punishable under Sections 304B and 120B/34 of the Indian Penal Code.

The accusation is of killing the niece of the informant after about nine months of the marriage for non-fulfillment of the dowry demand.

It is submitted by learned counsel for the

petitioner that the accusation is not specific against the petitioner. Post-mortem report reflects no external injury and the cause of death has not been ascertained, moreover, viscera has been preserved. It is further submitted that the informant has retracted from the initial version and filed a petition to that effect before the learned court below. The said petition has been brought on record as Annexure-2.

Considering the fact that the post-mortem report reflects no external injury, the retracted version of the informant and the petitioner no. 2 being lady, let the above named petitioner be released on anticipatory bail in the event of her arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Kataya P.S. Case No. 28 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--