

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17588 of 2016

Arising Out of PS.Case No. -289 Year- 2015 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

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1. Jitendra Singh Son of Daroga Singh
2. Ram Pravesh Singh Son of Late Bhuneshwar Singh
3. Manorma Devi wife of Madan Singh
4. Manoj Singh Son of Late Bhuneshwar Singh
5. Sukati Devi @ Shukanti Devi wife of Ram Pravesh Singh
6. Manju Devi wife of Manoj Singh
7. Putul Kumari Daughter of Madan Singh
8. Madan Singh Son of Late Bhuneshwar Singh All are residents of village
– Karhan, P.S.- Keshariya, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Sanjay Kr.Panday(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-04-2016 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with

Kesariya P.S.Case No. 289 of 2015 registered for the offences

punishable under sections 304 (B) of the I.P.C.

The petitioner No. 1 is Bhasur, petitioner No. 2 is

cousin sasur, petitioner No. 3 is mother-in-law, petitioner No. 4 is

cousin sasur, petitioner Nos. 5 and 6 are cousin mother-in-law,

petitioner No. 7 is sister-in-law (nanad) and petitioner No. 8 is father-in-law of the deceased, Saroj Kumari, wife of Rupesh Kumar Singh.

The prosecution case, as lodged by the informant, father of the deceased Saroj Kumari is that the marriage of his daughter was solemnized with Rupesh Kumar Singh in the year, 2008 and she was being tortured by her in-laws family due to non fulfillment of demand of gold chain and motorcycle. On 29.10.2015 the informant received a telephonic message that his daughter has been done to death. It is alleged by the informant that his daughter has been killed by setting her on fire due to non-fulfillment of demand of dowry.

It has been submitted by the learned counsel for the petitioners that the petitioners have clean antecedent and they were not named in the F.I.R. and even police submitted the final form on 08.02.2016 under Sections 306, finding no case being made out against them. Subsequently a Complaint case No. 2469/15 was filed on 05.11.2015 by the informant against the petitioners and husband of the deceased as an after thought and the same was not sent for registration of F.I. R. under Section 156 (3) of Cr.P.C. Thereafter, the learned counsel for the informant filed a protest petition on 22.01.2016 in which cognizance has been taken on 08.02.2016 against all these petitioners under Sections 304 (B),

120 (B) and 306/34 of I.P.C.

It has further been submitted that there was no allegation in the F.I.R. of torturing the victim Saroj Kumari, deceased and it was only as an after thought that these petitioners have been implicated. Learned counsel for the petitioner further submits that the husband of the deceased Rupesh Kumar Singh is in judicial custody.

However, learned A.P.P. for the State submits that although the petitioners are not named in the F.I.R. but cognizance has been take against them, hence opposes the prayer of bail.

Be that as it may, since the husband is in judicial custody let the above named petitioners in the event of their arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- 11th , Motihari, East Champaran in connection with Kesariya P.S.Case No. 289/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P. C.

(Nilu Agrawal, J)

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