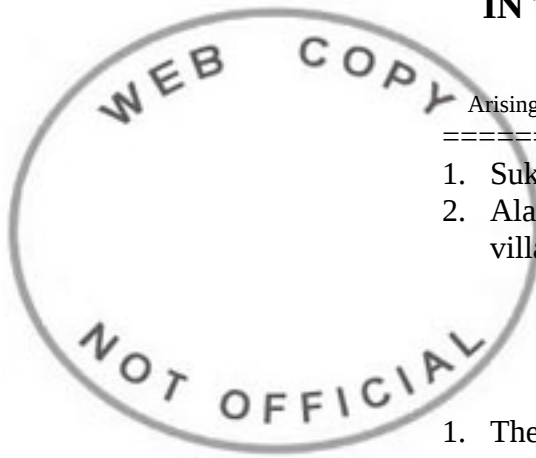




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1529 of 2016

Arising Out of PS.Case No. -76 Year- 2014 Thana -NAWADA MUFFASIL District- NAWADA

- =====
1. Sukhdeo Chaudhary
 2. Alakhdeo Chaudhary, both sons of Arjun Chaudhary, Resident of village- Sonsihari, P.S.- Muffasil in the district of Nawada

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar
For the Opposite Party/s : Mr. Md. A.Haque Sahara (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 12-01-2016 Petitioner No. 1 being husband of the victim and petitioner No. 2 being brother of petitioner No. 1 are apprehending their arrest in a case registered for the offences punishable under Sections 304B/34 of the Indian Penal Code.

The accusation is killing the sister of the informant after five years of marriage for non-fulfilment of dowry demand.

It is submitted by learned counsel for the petitioners that the case does not come within the purview of Section 304B I.P.C as it has wrongly been admitted in the F.I.R that the marriage was performed five years prior to the occurrence but actually the marriage was performed in 1996.

The date of birth certificate of the daughter of the petitioner No. 1 which has been brought on record as Annexure-2 reflects that the daughter of the victim was aged about eight years on the date of the occurrence. Moreover the accusation is omnibus and general against the entire family and other co-accused have been granted anticipatory bail vide Cr. Misc. No. 17289 of 2015 by a coordinate Bench of this Court. The informant has subsequently retracted from the initial version and filed a petition to that effect before learned Court below.

Let learned Court below consider the prayer for regular bail of the petitioner No. 1 Sukhdeo Chaudhary after verifying the date of marriage and the date of birth certificate of the daughter of the victim annexed as Annexure-2 in the petition, if petitioner No. 1 surrenders within a period of six weeks in connection with Moffasil P.S. Case No. 76 of 2014, pending in the Court of learned Chief Judicial Magistrate, Nawada.

Accordingly the application with regard to petitioner No. 1 stands disposed of.

So far as petitioner No. 2 is concerned, considering the accusation being omnibus and general against petitioner No. 2, let the petitioner No. 2, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two

sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Moffasil P.S. Case No. 76 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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(Dinesh Kumar Singh, J)