

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2732 of 2016

Arising Out of PS.Case No. -160 Year- 2015 Thana -GAUNAHA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Chaturi Prasad Soni @ Chaturi Prasad Son of Late Ragho Sah
 2. Geeta Devi W/o of Lalan Prasad Soni,
 3. Maya Devi Wife of Chaturi Prasad Soni @ Chaturi Prasad
 4. Hari Om Soni @ Hari Om Kumar @ Hari Om son of Lalan Prasad Soni,
 5. Arti Kumari Daughter of Lalan Prasad Soni
- All Resident of Village-Mashi, P.S.-Gaunaha, District-West Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Narain Sinha, Advocate Mr. Suraj Narain Sinha, Advocate Mr. Rashmi Bharti, Advocate Mr. Rohit Kumar, Advocate
For the Opposite Party/s	:	Smt. Madhurilata , APP
For the informant	:	Mr. Rakesh Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 12-04-2016 Heard learned counsel for the petitioners, learned
counsel for the State and learned counsel for the informant.

At the outset, learned counsel for the petitioners
seeks leave to withdraw the present application for grant of pre-
arrest bail in respect of petitioner no. 4 Hari Om Soni @ Hari
Om Kumar @ Hari Om and petitioner no. 5 Arti Kumari as
admittedly, they are juvenile.

Leave is granted.

The application is permitted to be withdrawn so far petitioners no. 4 and 5 are concerned.

The remaining petitioners seek pre-arrest bail in connection with Gaunaha P. S. Case No. 160 of 2015 registered under Sections 498-A and 304-B of the Indian Penal Code.

It is contended that there is general and omnibus allegation made in the FIR against the accused persons and there is no eye witness to the occurrence. It is also contended that so far petitioner no. 1 Chaturi Prasad Soni and petitioner no. 3 Maya Devi are concerned, they have no concern with the day-to-day matrimonial affairs of the deceased, her husband and her in-laws.

On the other hand, learned counsel for the informant vehemently opposed the prayer for grant of pre-arrest bail to the petitioners. He has contended that the deceased was killed in her marital home within three years of the marriage for non-fulfilment of demand of dowry and post-mortem report corroborates the allegation as the doctor has opined that the death was homicidal.

Keeping in view the specific allegation made against the mother-in-law in the FIR, I am not inclined to grant pre-arrest bail to petitioner no. 2 Geeta Devi. Accordingly, her

prayer for grant of pre-arrest bail is rejected.

Since there is no specific allegation as against petitioner no. 1 Chaturi Prasad Soni @ Chaturi Prasad and petitioner no. 3 Maya Devi and they are distantly related to the husband of the deceased, they are directed to be released on bail, in the event of arrest or surrender before the court below within four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bettiah, West Champaran in Gaunaha P. S. Case No. 160 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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