

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3105 of 2016

Arising Out of PS.Case No. -292 Year- 2015 Thana -NANHPUR District- SITAMARHI

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1. Budhan Chaudhary S/o Late Ganeshi Mahto
2. Sheela Devi W/o Budhan Chaudhary @ Budhan Mahto, both resident of
village- Koili, P.S.- Nanpur, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur

For the Opposite Party/s : Mr. Satyavrat Verma(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 03-03-2016 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Nanpur Police Station Case No. 292 of 2015,
disclosing offences under Section 304B/34 of the Indian
Penal Code.

The petitioner no. 1 is the father-in-law of the
deceased; whereas, petitioner no. 2 is her mother-in-law.

It is submitted on behalf of the petitioners that
no offence under Section 304B of the Indian Penal Code is
made out inasmuch as there is no allegation that soon
before the occurrence took place, any demand for dowry or
torture thereof were made. It is further submitted that as is
evident from the First Information Report itself,
immediately after the deceased had received burn injuries
while cooking food, she was taken to the hospital by her In-

laws. He submits that had it been the intention of the petitioners to kill the deceased, they would not have taken her to the hospital.

I find substance in the submissions so advanced on behalf of the petitioners.

This application is accordingly allowed.

Let the petitioners, namely, Budhan Chaudhary and Sheela Devi, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Pupri at Sitamarhi, in connection with Nanpur Police Station Case No. 292 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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