

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4852 of 2016

Arising Out of PS.Case No. -248 Year- 2015 Thana -RAHUI District- NALANDA
(BIHARSHARIFF)

- =====
1. Satendra Mahto Son of Ram Chandra Mahto
 2. Puja Devi @ Sunita Devi, Wife of Satyendra Mahto
Both Residents of Village/Mohalla- Dekpura, P.S.- Rahui, District-
Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. A.Dayal(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 05-02-2016

It is submitted by learned counsel for the

petitioners that petitioner no. 1 has been arrested, hence, his
application 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
201/34 of the Indian Penal Code.

The prosecution case is of killing the
daughter of the informant for non-fulfillment of the dowry
demand.

It is submitted by learned senior counsel for
the petitioner that as per own admission of the informant the

marriage was performed on 02.05.2007 when the victim died 29/30.06.2015, hence, the case does not come within the purview of Section 304B of the Indian Penal Code. The whole accusation is based on the statement of 4 ½ years old son of the victim, Piyush Kumar, who conveyed to the informant that his mother was assaulted by entire in-laws family and dead body was disposed of by taking away outside the village.

Considering the fact that the accusation is omnibus and general, the informant is not a eye witness to the occurrence and petitioner no. 2 being a lady, let the above named petitioner no. 2 be released on anticipatory bail, in the event of 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, Nalanda at Biharsharif in connection with Rahui P.S. Case No. 248 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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