

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9950 of 2016

Arising Out of PS.Case No. -320 Year- 2015 Thana -ALAMGANJ District- PATNA

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1. Shivani Roy W/o Sri Deo Kumar Roy
 2. Sushovan Roy @ Senti Roy S/o Sri Deo Kumar Roy
 3. Sudipto Roy S/o Sri Deo Kumar Roy. All resident of Ram Babu Ki Gali, Gur Ki Mandi, P.S. Alamganj, District - Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Sheela Sharma, Advocate

For the Opposite Party/s : Mr. Durgesh Nandan(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 19-05-2016 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners nos. 1, 2 and 3 are mother-in-law, brother-in-law and husband of the deceased respectively. They apprehend their arrest in connection with Alamganj P.S. Case No. 320 of 2015 registered for the offence punishable under Section 304(B) of the Indian Penal Code.

The prosecution case, in brief, is that there was an altercation between petitioner no.1, mother-in-law and petitioner no.3, husband of the deceased with regard to a puppy brought to the house. Thereafter, informant was informed that his daughter has hanged herself. Informant told the petitioners to take his



daughter to hospital for treatment, but they did not take his daughter to the hospital in time as also did not inform his other relatives at Patna. When Gautam Kumar Dey, brother-in-law of the informant informed the informant that his daughter has died, he left for Patna and came to PMCH, where he come to know that his daughter has been declared dead by the doctors. Informant has further alleged that under conspiracy petitioners have killed his daughter.

It has been submitted by the learned counsel for the petitioners that petitioners are innocent and there is no allegation of demand of dowry against the petitioners, hence, Section 304(B) of the Indian Penal Code is not applicable. It is further submitted that as per the postmortem report, deceased died due to hanging and all the independent witnesses, including cousin brother of the deceased have not levelled any allegation of demand of dowry neither there is any material in the First Information Report to show that petitioners have demanded dowry.

However, learned counsel for the informant submits that some of the witnesses have suggested that the death may be due to demand of dowry, hence, opposes the prayer for bail.

Learned A.P.P. for the State, on the other hand, submits that the petitioners are named in the First Information Report,

hence, opposes the prayer for bail.

Be that as it may, since the petitioners have been implicated in the aforesaid case on the basis of suspicion and there is no allegation of demand of dowry, as is evident from the First Information Report itself, let the petitioners, above named, 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 only) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Patna City in connection with Alamganj P.S. Case No. 320 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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