

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5890 of 2016

Arising Out of PS.Case No. -805 Year- 2015 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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1. Radha Devi, wife of Ram Jeevan Yadav
2. Rekha Devi, Daughter of Ramjeevan Yadav
3. Manish Yadav, Son of Ram Jeevan Yadav All are residents of Mohalla-
Maharaj Ghat, Road, Bari Khanjarpur, P.S.- Barari, District- Bhagalpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate
For the Informant : Mr. Parmanand Kumar, Advocate
For the Opposite Party/s : Mr. Uma Nath Mishra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 22-02-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out
of Kotwali (Barari) P.S. Case No. 805 of 2015, disclosing offences
under Sections 304B/34 of the Indian Penal Code.

The petitioner no. 1 is the mother-in-law of the
deceased whereas petitioner no. 2 is the unmarried sister of the
husband of the deceased. Petitioner no. 3 is the brother of the
husband of the deceased.

Learned counsel for the petitioners submits that no
offence under Section 304B of the Indian Penal Code is made out

on the basis of allegations as contained in the First Information Report inasmuch as there is no allegation that soon before the death of the deceased, there was any demand of dowry made by these petitioners. He further submits that the allegations of demand of dowry are vague and omnibus in nature.

Learned counsel appearing on behalf of the informant, on the other hand, has vehemently opposed the prayer of bail and has submitted that since deceased died within five years of the marriage in unnatural circumstance, there is a legal presumption against these petitioners of commission of offence under Section 304B of the Indian Penal Code.

However, I find substance in submission made on behalf of the petitioners that there is no allegation of demand of dowry in the First Information Report, soon before the death of the deceased.

Considering this submission and the fact that petitioner no. 1 is the mother-in-law of the deceased, petitioner no. 2 is the unmarried sister of the husband of the deceased whereas petitioner no. 3 is the brother of the husband of the deceased, this application is allowed.

Let the petitioners, above-named, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Barari) P.S. Case No. 805 of 2015, subject to the conditions as 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)

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