

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28506 of 2016

Arising Out of PS.Case No. -138 Year- 2016 Thana -GAYA MUFFSIL District- GAYA

- =====
1. Gangiya Devi, W/O Raju Yadav.
 2. Raju Yadav S/O Kuldeep Yadav.
 3. Kawita Devi W/O Nandu Yadav @ Nandeylal Yadav. All resident of village- Sonaut, P.S. Mufassil, District- Gaya

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.37129 of 2016

Arising Out of PS.Case No. -138 Year- 2016 Thana -GAYA MUFFSIL District- GAYA

- =====
1. Kuldeep Yadav, son of Late Balo Yadav &
 2. Laxmaniya Devi, wife of Kuldeep Yadav, both resident of village- Sonaut, P.S. Mufassil, District-Gaya

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.28506 of 2016)

For the Petitioners : Mr. Vinod Kumar, Advocate

For the Opposite Party : Mr. Smt. Gulnar Begam, APP

(In Cr.Misc. No.37129 of 2016)

For the Petitioners : Mr. Vinod Kumar, Advocate

For the Opposite Party : Mr. Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

5 03-10-2016

Heard learned counsels for the petitioners and the

State.

Learned counsel for the petitioner of Cr.Misc.No.37129 of 2016 seeks permission to withdraw the application with regard to Kuldeep Yadav, petitioner no.1 since he has been arrested.

Permission is accorded.

Accordingly the application is dismissed as withdrawn.

Petitioner Laxmaniya Devi in Cr.Misc.No.37129 of 2016 being the mother-in-law of the victim and the petitioners Gangiya Devi, Raju Yadav and Kawita Devi in Cr.Misc.No.28506 of 2016, being the sisters in laws and brother in laws of the victim are apprehending arrest in a case registered for the offences punishable under Sections 498(A) and 365/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The prosecution case is that the sister of the informant Munni Devi was married with Tunnu Yadav four years prior to lodging of the case. Subsequently further demand of dowry of Rs. three lakh and a car was made and for non-fulfilment of the said demand, the sister of the informant was tortured. The family members of the informant pacified the issue and thereafter the sister of the informant started living at her in laws house. Tunnu Yadav, the husband of the sister of the informant brought her from informant's house on 18.03.2016 and thereafter she went missing.

It is submitted by learned counsel for the petitioners that the sister of the informant was married with Tunnu Yadav ten years prior to institution of the case. She was mentally

abused for which she was being treated by her husband. On suspicion the petitioners have been roped in the present case.

It is submitted by learned counsel for the State after going through the case diary, that the husband of the victim has confessed his guilt of killing his wife with assistance of other accused persons. Dead body of sister of the informant was recovered from the wheat field of Brajesh Kumar. Post mortem report suggests the death due to asphyxia caused by throttling. Chargesheet has been submitted against husband of sister of informant Tunnu Yadav u/s 304(B), 201, 120(B) and 34 of the I.P.C. whereas the investigation has been kept pending against others. Learned APP concedes that there is no eye witness to the occurrence.

Considering the thrust of accusation against husband of the victim, let the petitioners Gangiya Devi, Raju Yadav, Kawita Devi in Cr.Misc.No.28506 of 2016 and Laxmaniya Devi in Cr.Misc.No.37129 of 2016, be released on anticipatory bail till the conclusion of the investigation, in the event of their arrest or surrender before the learned court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Gaya in connection with Mufassil P.S.Case No.138 of 2016, subject to the conditions as

laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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