

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29167 of 2016

Arising Out of PS.Case No. -13 Year- 2016 Thana -PARAIYA District- GAYA

- =====
1. Kishori Prasad @ Kishori Mahto Son of late Nathun Prasad.
 2. Sanjay Prasad Son of Kishori Prasad Both are Resident of Village- Pandit Bigha, Pranpur, Police Station- Paraiya, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

5 21-09-2016 Heard both sides.

The petitioners apprehend their arrest in Paraiya P.S. Case No. 13/2016, registered for the offences punishable under Sections 304B, 201 and 34 of the Indian Penal Code.

The mother of the deceased alleged that her daughter was married to Dhananjay Prasad two years ago in village Pandit Bigha. Her daughter got a female child aged about six months. Basanti Kumari the daughter of the informant informed that she was subjected to torture due to non-fulfillment of demand of dowry and her husband also threatened to kill her.

Learned counsel for the petitioners submits that petitioners are father-in-law and brother-in-law of the deceased.

There is no allegation of demand of dowry or torture against the petitioners. It is submitted that the husband was demanding dowry and he was torturing his wife. One of the co-accused Mithilesh Kumar confessed his guilt and he also disclosed that Dhananjay Prasad communicated him on mobile and called him. He also called his friends and cremated her dead body. None of the witnesses in the entire Case Diary disclosed the fact that the petitioners ever demanded dowry or tortured the deceased.

Learned A.P.P. also did not dispute this fact.

Considering the facts aforesaid and the fact that the petitioners are father-in-law and brother-in-law of the deceased, the petitioners above-named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate Ist Class, Gaya in connection with Paraiya P.S. Case No. 13/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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