

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34380 of 2016

Arising Out of Ara Nawada PS.Case No. -396 of 2016 Thana -
ARA NAWADA District- BHOJPUR

- =====
1. Jai Prakash Ram, S/o- Late Lalbachan Ram,
 2. Raja Muni Kunwar @ Raj Muna Kunwar @ Rasmuna Kunwar W/o Late Lal Bachan Ram.
R/o Village Dharupur, P.S Vikramganj, District Bhojpur (Arrah).

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Avinash, Advocate
For the informant : Mr. Ram Suresh Roy, Sr. Advocate
For the Opposite Party/s : Mr. Mr. Manoj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 09-11-2016

Heard the parties.

The petitioners apprehend their arrest in a criminal prosecution registered under Sections 304B and 120B of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

Manbodh Ram, father of the deceased alleged that he married his daughter to petitioner No.1, Jai Prakash Ram, in the year 2010. Thereafter Jai Prakash Ram and his family members began to demand additional dowry and pressurized the girl for the said purpose. She was thrown out of the matrimonial house. Then she came back to her parents' house from where



petitioner no.1 took her to Gujarat at working place and immediately thereafter within a week, the deceased died of burn injury at Gujarat within the jurisdiction of Gandhidham Railway Police Station on 12.04.2016 for which UD Case No. 05/2016 was registered. During course of investigation of UD Case, the statements of the brother and uncle of the deceased were recorded by the Police and thereafter the Police submitted final form finding the death as an accidental one. After one month thereafter, the father of the deceased filed a complaint case on the basis of which the present F.I.R. was lodged. It is further submitted that the brother and the uncle of the deceased never made any complaint before the Gujarat Police where the death occurred.

Mr. Ram Suresh Roy, learned senior counsel for the informant and the learned APP appearing for the State vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that the deceased died of burn injury within one week when the petitioner No.1 took his wife to his working place at Gujarat. From perusal of the post mortem report, it transpires that kerosene Stove was burst but it was a well planned conspiracy hatched up by the petitioner No.1 to kill his wife but I find that brother and uncle of the deceased gave their statements before the Gujarat Police and they had not made any

complaint about the ill-treatment made at the hands of the husband of the deceased. The dead body of the deceased was handed over to them and the dead body was cremated and the brother and the uncle of the deceased did not make any protest either before the Police or in Court at Gujarat.

Considering the fact that the petitioner no.1 is the husband and petitioner no.2 is the mother-in-law of the deceased, in the event of their arrest or surrender in the Court below within a period of four weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bonds of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur, in connection with Ara Nawada P.S. Case No. 396 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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