

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41352 of 2016

Arising Out of PS.Case No. -124 Year- 2014 Thana -SARMERA District- NALANDA
(BIHARSHARIFF)

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1. Ashok Prasad @ Ashok Mahto son of Late Triloki Mahto
2. Shanti Devi wife of Ashok Mahto @ Ashok Prasad
Both are residents of village Imadpur, P.S. Bhadaur, District Patna at
present residing at Mohalla Gardanibagh, Road No. 122, Quarter No. 3, P.S.
Gardanibagh, District Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar

For the Opposite Party/s : Mr. Sri Binod Kumar 2

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 17-11-2016 Heard Sri Sudhir Kumar, ,learned counsel for the

petitioners and Sri Binod Kumar No. 2, learned Additional

Public Prosecutor .

Petitioners who are father –in- law and mother –in- law
of the deceased have approached this court for grant of
anticipatory bail in Sarmera P.S. Case No. 124 of 2014 registered
for the offence under section 498(A), 304(B) , 201, 120(B) / 34
of the Indian Penal Code.

A plea has been taken that complaint itself was lodged
by the brother of the deceased after about one month from the
alleged date of occurrence. By way of referring to the complaint



petition which is the basis of the F.I.R. learned counsel for the petitioners submits that the informant / complainant had categorically said that after noticing that his sister was done to death and her body was disposed of on 5.11.2014 he reached the place and he was informed by neighbors regarding the occurrence. In the complaint petition he has stated that on the same date he approached Police Officials for registering the case however, it was refused by the Police. It has been argued that once on 5.11.2014 itself the Police had refused to register the case, in normal case in case of dowry death informant should have filed a complaint in the court of learned Chief Judicial Magistrate or he should have intimated the Superintendent of Police. In this case nothing was done. According to learned counsel for the petitioners daughter- in- law of petitioners died in natural way and in cremation all the family members of the deceased participated. By way of referring to the facts disclosed in the case diary he submits that it has been noticed that for settling dispute panchayati was done in which the informant has demanded Rs. 5,00000/- from the petitioners. It has also been argued that petitioner no. 1 is a government employee and resides at Patna.

Keeping in view the facts disclosed in the case diary that demand of Rs. 500000 /- was made by the informant and the

fact that almost after one month from the alleged date of occurrence complaint was filed, the Court is of the opinion that petitioners being father- in- law and mother –in- law are entitled to be extended the privilege of anticipatory bail. Accordingly in the event of arrest or surrender within a period of six weeks from today, let both the petitioners Ashok Prasad @ Ashok Mahto and Shanti Devi be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif / concerned court in connection with Sarmera P.S. Case No. 124 of 2014 subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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