

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56817 of 2015

Arising Out of PS.Case No. -211 Year- 2015 Thana -AGAMKUAN District- PATNA

1. Usha Devi, wife of Shankar Ram,
2. Omkar Kumar @ Bhola Kumar Son of Shankar Ram, Both resident of
Kumhrar, Police Station- Agamkuan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar

For the Opposite Party/s : Mr. Rajeev Nayan (App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 19-01-2016 Heard the Counsel for the petitioners and Mr. Ram
Chandra Singh, APP for the State.

Petitioners are facing accusations in Agamkuan P.S.
Case No. 211 of 2015 registered under Section 304(B)/34 of the
Indian Penal Code.

The two petitioners herein are mother-in-law and
devar of the deceased who was married to another son of
petitioner no. 1 recently in the year 2014. Allegation in substance
is that on account of non-fulfilment of dowry, she was done to
death by strangulation while she was living in the matrimonial
home.

Contention of the petitioners is that no independent
witness has been examined. The witnesses who have supported the

prosecution case are family members. The petitioners were living separately from the husband of the victim.

Mr. Singh conversely submitted that in the inquest report, the I.O. found strangulation mark around the neck and the cause of death is also strangulation. Under the law, the presumption is that the accused persons have committed the occurrence until otherwise is demonstrated.

Considering the facts and circumstances of the case as also the materials reflecting from record, particularly, the impugned order, I am not persuaded to privilege the petitioners with anticipatory bail.

Their prayer for anticipatory bail is rejected. Petitioner may surrender and seek regular bail in the Court below

(Kishore Kumar Mandal, J)

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