

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42099 of 2016

Arising Out of PS.Case No. -79 Year- 2016 Thana -PATAHI District-
EASTCHAMPARAN(MOTIHARI)

1. Pritendra Nath Jha Son of late Rewati Raman Jha
2. Ramdulari Devi@Dulari Devi Wife of Pritendra Nath Jha
Both are residents of Village- Mahamadi, P.S. Patahi, District - East
Champaran, Bihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uma Kant Shukla
Mr. Shakti Suman Kumar
For the Opposite Party/s : Mr. Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 03-10-2016 Learned Counsel for the petitioners is permitted
to make necessary corrections in the prayer portion of the
application in course of the day.

Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Patahi Police Station Case No. 79 of 2016,
disclosing offences under Sections 304B/34 of the Indian
Penal Code.

The petitioner no. 1 is the father-in-law and
petitioner no. 2 is the mother-in-law of the deceased.

Learned Counsel for the petitioners has, firstly,



submitted that it has been vaguely alleged in the First Information Report that the deceased was married to the son of these petitioners 7 (seven) years before the date of her death, just in order to make out a case under Section 304B of the Indian Penal Code. It has, secondly, been submitted that there is no allegation in the First Information Report of demand of dowry soon before the death of the deceased in order to constitute offence under Section 304B of the Indian Penal Code. It has, thirdly, been submitted that there is no specific allegation against these petitioners of demand of dowry or torture therefor and the allegations are general in nature.

Considering the above submissions, this application is allowed.

Let the petitioners, namely, Pritendra Nath Jha and Ramdulari Devi @ Dulari Devi, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate VIII, East Champaran, at Motihari, in connection with Patahi Police Station Case No. 79 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-c

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