

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.57181 of 2015**

Arising Out of PS.Case No. -223 Year- 2015 Thana -ITADHI District- BUXAR

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1. Lakhmuna Devi @ Lakhmunia Devi, Wife of Dinanath Chaudhary
  2. Dinanath Chaudhary Son of Late Ram Janam Chaudhary
  3. Anit Kumar @ Anup Kumar, Son of Dinanath Chaudhary All resident of Village Kukudha, P.S.- Itarhi, Dist- Buxar.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dwivedy Surendra, Advocate

For the Opposite Party/s : Mr. Subash Chandra Mishra, APP

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

3      04-03-2016                      Heard learned counsel for the petitioners and  
  
learned APP for the State.

Petitioners apprehend arrest in connection with  
  
Itarhi P.S. Case No. 223/15 for offences alleged under Sections  
  
304-B, 201/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant,  
  
is that his sister Shobha Devi was married with Sheoji Chaudhary  
  
two years back. After few days of marriage she stated that her  
  
husband, brother-in-law(Dewar), father-in-law and mother-in-law  
  
are demanding Rs. 2 lakhs as dowry and are threatening that if the  
  
same will not be paid they will oust her from her matrimonial  
  
house and that they had also beaten her and kept her without food

for several days. On 01.10.2015 with intention to conceal the evidence they informed through one villager of village Kukudha that his sister has been killed by her in-laws. When informant reached village Kukudha he found the accused persons cremating the dead body of his sister with intention to conceal evidence before arrival of the informant.

It has been submitted by the learned counsel for the petitioners that they are mother-in-law, father-in-law and brother-in-law (Dewar) respectively having clean antecedent. He further submits that the death occurred due to illness for which she was admitted to the hospital where she died. It has further been submitted that the death certificate has been issued by the Deputy Superintendent-cum-Registrar, Sadar Hospital, Buxar where she was treated and has also filed receipt of the cremation place where she had been cremated. Learned counsel further submits that all the independent witnesses have supported the fact that the deceased lady was ill, admitted to the hospital where she died and refers to paragraphs 13, 29 of the case diary.

However, learned APP for the State, submits that there is allegation and evidence of ill treatment of the deceased lady and opposes the prayer for bail.

Be that as it may, since the uncle, the doctor have

stated that she was ill and admitted to the hospital for treatment where she died, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of eight weeks from today, 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, Buxar, in connection with Itarhi P.S. Case No. 223/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

**(Nilu Agrawal, J.)**

Rajesh/-

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