

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36756 of 2016

Arising Out of PS.Case No. -109 Year- 2016 Thana -CHAINPUR District- BHABHUA (KAIMUR)

1. Raj Kumar Bind Son of Late Ram Kishun Bind  
2. Murahhi Devi Wife of Raj Kumar Bind, both resident of Village Sirbit,  
P.S. Chaninpur, District Kaimur at Bhabua.

.... .... Petitioner/s

Versus

1. The State of Bihar

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

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan  
For the State : Shri Shailendra Kumar Singh  
For the informant : Mr. Rewati Kant Raman

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI  
SHARAN SINGH  
ORAL ORDER

2 06-09-2016 Heard learned Counsel for the petitioners, the informant and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Chainpur Police Station Case No. 109 of 2016, disclosing offences under Sections 304B/201/34 of the Indian Penal Code.

The petitioners are father-in-law and mother-in-law of the deceased.

Learned Counsel appearing on behalf of the petitioners has submitted, referring to the First Information Report, that allegation of demand of dowry is too vague. He has submitted that as a matter of fact, the deceased was

married to the son of the petitioners in the year 2009 and, therefore, no offence under Section 304B of the Indian Penal Code is made out.

Learned Counsel appearing on behalf of the informant has vehemently opposed the prayer for bail and has submitted that the marriage had, in fact, taken place three years before the date of the death of the deceased and their being demand of dowry, offence under Section 304B of the Indian Penal Code is made out and, therefore, the petitioners do not deserve for anticipatory bail.

However, on perusing the First Information Report, I find substance in submission made on behalf of the petitioner that the allegation of demand of dowry is quite vague and there is no allegation that soon before the death of the deceased, any demand was made.

Considering the above submission, this application is allowed.

Let the petitioners, namely, Raj Kumar Bind and Murahhi 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 Chief Judicial Magistrate, Kaimur, at Bhabhua, in connection with Chainpur Police Station Case No. 109 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/-

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