

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44018 of 2016

Arising Out of PS.Case No. -110 Year- 2016 Thana -TEKARI District- GAYA

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1. Nageena Devi @ Rajmatiya Devi, W/o Ram Swarup Yadav
 2. Ram Swarup Yadav, Son of Late Kishun Chand Yadav, Resident of village-Belhariya, P.S.- Tekari, Distt.- Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate.

For the Opposite Party/s : Mr. Amitesh Kumar, A.P.P

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 17-10-2016

Heard learned counsel for the parties.

The petitioners apprehend arrest in connection with Tekari P.S.Case No. 110 of 2016 dated 03.04.2016 registered under Sections 304B/120B/34 of the Indian Penal Code.

The allegation against the petitioners, who are the mother-in-law and the father-in-law of the deceased is of burning her to death.

Learned counsel for the petitioners submits that there was division among the family members in the year 2012 in a proceeding before the Gram Kutchery and they were living separately from their son and the informant is the brother of the deceased. It is submitted that even the deceased had filed an FIR, being Tekari P.S.Case No.



205 of 2015 dated 06.06.2015 alleging maltreatment and demand of dowry against her husband i.e., the son of the petitioners, in which there was no allegation against the petitioners. It is submitted that in the said fardbeyan, it was clearly mentioned that the husband of the deceased was demanding dowry and he has illicit relation with another woman. Learned counsel also draws the attention of the Court towards Annexure-4, which is a copy of petition filed by the petitioner no. 2 against the husband of the deceased, being Misc. Case No. 180 of 2015, before the Sub Divisional Magistrate, Tekari, Gaya alleging acts of cruelty and enumerating the criminal tendency of the husband of the deceased. It is submitted that the said petition was filed on 02.11.2015. Learned counsel submits that in the aforesaid background, there is general and omnibus allegation against the petitioners when the husband of the deceased is already in custody in the present case.

Learned A.P.P. opposes the prayer for anticipatory bail. However, he is not in a position to controvert the submissions of learned counsel for the petitioners.

Considering the facts and circumstances of the case and submissions of learned counsels for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioners, named above, be released on bail upon furnishing bail

bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IX, Gaya in connection with Tekari P.S.Case No. 110 of 2016, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J)

Sujit/-

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