

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.12251 of 2015**

Arising Out of PS.Case No. -169 Year- 2014 Thana -POTHIYA District- KISANGANJ

- =====
1. Sattan Paswan son of Bhagwat Paswan (father-in-law)
  2. Arbind Paswan son of Sattan Paswan (Dewar)
  3. Bimla Devi wife of Sattan Paswan (mother-in-law) All R/o vill. Indrapur, P.S. Pothia (Paharkatta) Distt. Kishanganj

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Dilip Kumar Singh, Advocate

For the Opposite Party/s : Mr. Smt. Indu Kumari Srivastava, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI**  
**SHARAN SINGH**  
ORAL ORDER

4      01-02-2016      Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Pothia (Paharkatta) P.S. Case No. 169 of 2014, disclosing offences under Sections 307/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

The petitioner no. 1 is the father-in-law of the husband of the deceased whereas petitioner no. 3 is the mother-in-law. Petitioner no. 2 is the brother of the husband of the deceased.

Learned counsel appearing on behalf of the petitioners submits, referring to few paragraphs of the case diary that the witnesses in course of investigation, have stated that on the date of

occurrence, petitioner no. 1 was not available at the place and he was away, in Delhi. He further submits that there is no likelihood of petitioners fleeing away from the course of investigation or trial. He informs this Court that the husband of the deceased is in custody.

It is true that there is presumption under Section 113B of the Evidence Act of commission of offence under Section 304B if the death takes place in unnatural circumstance and there is allegation of demand of dowry made by the in-laws soon before the death of the deceased. However, since the implication of these petitioners is based on such presumption which is rebuttable and there is no specific allegation of any overt act against them, I am inclined to allow this application.

Accordingly, this application is allowed. Let the petitioners, above-named, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1<sup>st</sup> Class, Kishanganj in connection with Pothia (Paharkatta) P.S. Case No. 169 of 2014, subject to the conditions as 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)**

Vats/-

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