

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23732 of 2016

Arising Out of PS.Case No. -29 Year- 2014 Thana -GOVINDGANJ District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. K.B. Patel @ Krishna Balabh Patel S/o Late Madan Patel,
 2. Radhika Devi, W/o Late Madan patel
 3. Chinta Devi W/o Krishna Balabh Patel
 4. Khushbu patel D/O Krishna Balabh Patel

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Yadav, Adv.

For the Opposite Party/s : Mr. Sri Gajendra Prasad Yadav (APP)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 24-06-2016

Heard learned counsels for the petitioner and the
State.

The petitioners being the brother, mother, brother's
wife and unmarried sister of the husband of the victim are
apprehending arrest in a case registered for the offences
punishable under Sections 341, 323, 504 and 498A/34 of the
Indian Penal Code and Section 3/4 of the Dowry Prohibition
Act.

The prosecution case is that on 21.02.2014, the
petitioners along other co-accused took the informant's sister
Sandhya Devi to the matrimonial house and they were
demanding ₹3,00,000/- to the victim to allow her to reside in



the matrimonial house. It is also alleged that co-accused Ravindra Patel and petitioner no.1, K.B. Patel tried to strangle the victim by putting saree around her neck and thereafter assaulted her with fists and slaps when she got unconscious. The informant's sister was taken to hospital for treatment when after registration of the FIR, the sister of the informant died.

It is submitted by learned counsel for the petitioner that the sister of the informant was suffering from meningitis. The postmortem report reflects no external injury and maliciously the case has been lodged. The victim died during treatment.

Learned APP after going through the case diary submits that the final form (Chargesheet) has been submitted under Section 498A of the IPC as the FIR also does not reflect that either Section 302 or 304B IPC was added nor the chargesheet has been submitted under the same provision.

Considering the fact that the accusation is not being corroborated by the medical opinion, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of

₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1st, Motihari, East Champaran in connection with Govindganj P.S. Case No. 29 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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