

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5196 of 2016

Arising Out of PS.Case No. -90 Year- 2015 Thana -PATEPUR District- VAISHALI(HAJIPUR)

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1. Ram Chandra Rai, S/o Late Parikshan Rai
 2. Dharam Sheela Devi, W/o Ram Chandra Rai. Both resident of Dehdua Kasturi Sarai, P.S.- Patepur, District- Vaishali

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-02-2016

Heard learned counsel for the petitioners and

learned APP for the State.

Petitioners apprehend arrest in connection with Patepur P.S. Case No. 90/15 for offences alleged under Sections 304-B, 201/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, who is the brother of the deceased, is that marriage of his sister was solemnized on 15.04.2012 with accused Pankaj Kumar according to Hindu rites and custom. At the time of marriage sufficient dowry in shape of Rs. 1 lac cash, a Hero-Honda Splendor motorcycle, golden chain and clothes was given to Pankaj Kumar and his parents. Sister of the informant, namely, Roshan Devi also got ornaments of worth Rs. 1.50 lakhs and



clothes by the informant and his parents. After some days all the accused persons started pressurizing Roshan Devi to bring Rs. 2 lakhs for starting business, failing which she was assaulted and tortured by various ways. In the meanwhile, from the wedlock, a female child was born, who is now about 2 years old. On the date of occurrence, the informant received information by someone that his sister has been killed and switched off the mobile. On such information he went to the matrimonial home of his sister on 05.06.2015 and enquired into the matter. They told him that his sister had gone up and caught the informant and his brother and on the point of arms forcibly obtained their signature on plain paper. The informant claims that due to non-fulfillment of demand of dowry all the accused persons have killed his sister and disposed off the dead body.

It has been submitted by the learned counsel for the petitioners that they are father-in-law, mother-in-law of the deceased and have no criminal antecedent, which is evident from paragraph 3 of this petition. It has further been submitted that the allegations upon these petitioners are general and omnibus as the real fact is that the deceased was suffering from diarrhoea and was admitted in the Super Hospital, Majdi Haat Bakhari of Dr. N.P. Singh and during course of treatment she died at 8.00 P.M.

Learned counsel for the petitioners further submits that no case regarding demand of dowry has ever been reported or filed against these petitioners. Counsel further submits that now the matter has been compromised between the petitioners and the complainant/informant, who agree that the death of the deceased was a natural death.

Learned APP for the State, however, submits that the petitioners are named in the First Information Report and opposes the prayer for bail.

Be that as it may, 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 Judicial Magistrate 1st Class, Vaishali at Hajipur, in connection with Patepur P.S. Case No. 90/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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