

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7598 of 2016

Arising Out of PS.Case No. -292 Year- 2015 Thana -ALAMGANJ District- PATNA

=====

1. Mukesh Pandey
2. Dilip Pandey, S/o Late Ramchandra Pandey,
3. Sima Devi, W/o Sri Dilip Pandey, All are residents of Mohalla - Gaighat
South Lane, P.S. - Alamganj, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Amarendra Kumar Pathak

For the Opposite Party/s : Mr. Asha Kumari(App)

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 18-03-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of anticipatory bail arises out
of Alamganj P.S. Case No. 292 of 2015, disclosing offences
under Section 304B of the Indian Penal Code.

Petitioner No.1 is the husband of the deceased whereas
petitioner Nos. 2 and 3 are father-in-law and mother-in-law of the
deceased. The allegation is that the deceased was married to
petitioner no.1 nearly three years before her death. The deceased is
said to have committed suicide because she was being
continuously tortured for non-fulfillment of demand of money
from the parents of the deceased.



Learned counsel for the petitioners has submitted that the petitioners work as labourers at different place and at the time of occurrence they were not present in the house. It has further been submitted that there is no allegation against the petitioners of demand of dowry as a consideration for marriage nor after the marriage. He submits that though there is some allegation of demand of money but not by way of dowry. He has further submitted that if granted privilege of anticipatory bail, there is no likelihood that the petitioners shall misuse the privilege of bail by tampering with the evidence or fleeing from the course of investigation or trial.

Considering the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to petitioner No.1, who is the husband of the deceased. This application to the extent it relates to petitioner No.1 stands dismissed.

Petitioner No.1 is directed to surrender before the Court below within four weeks from today and seeks regular bail, if so advised. If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

As regards petitioner Nos. 2 and 3 above-named, considering the nature of accusation and the fact that both of them

are parents of petitioner, their application for anticipatory bail is allowed.

Let petitioner Nos. 2 and 3 above-named in the event of their arrest/surrender within four weeks from today in the court below, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM, Patna City in Alamganj P.S. Case No. 292 of 2015, 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 No. 2 and 3 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)

ArunKumar/-

U			
---	--	--	--