

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14793 of 2016

Arising Out of PS.Case No. -568 Year- 2015 Thana -JAHANABAD District- JEHANABAD

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1. Ajay Prasad @ Ajay Ram @ Anjay Kumar, son of Jawahar Lal (Bahnoi @ brother in law)
 2. Kusumi Devi @ Sony @ Kusum Devi @ Kusum Kumari, wife of Ajay Prasad @ Anjay Kumar (Married Nanad)
Both resident of village Parsa Bazar, New Nathupur, P.S. Parsa, District Patna
 3. Devar Prince Kumar @ Prince Kumar, son of Dinesh Ram (Devar)
 4. Dinesh Ram, son of Hardev Ram (father-in-law @ Sasur)
 5. Poonam Devi, wife of Dinesh Ram (mother-in-law @ Sas)
- All 3 to 5 resident of village Pandui P.S. Paras Bigha, District Jehanabad and present resident of Shanti Nagar, Jehanabad P.S. and District Jehanabad

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kumar Rishikesh Chanchal

For the Opposite Party/s : Mr. Harendra Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 03-05-2016 Heard learned counsel for the petitioners and the learned Addl. Public Prosecutor, appearing on behalf of the State as also learned counsel for the informant.

This application for grant of anticipatory bail arises out of Jehanabad P.S.Case No. 568/2015, disclosing offences under sections 304B and 201 of the Indian Penal Code.

Petitioners no. 4 and 5 are the mother-in-law and the father-in-law of the deceased. Petitioner no.1 is the brother-in-law of the husband of the deceased. Petitioner no.2 is married sister of

the husband of the deceased. Petitioner no.3 is the brother of the husband of the deceased.

The husband of the deceased and the present petitioners have been implicated in the case with an allegation that they administered poison leading to death of the grand daughter of the informant, who was married to the accused Sonu Kumar on 1.5.2014. She is said to have died on 11.12.2014. First Information Report came to be registered on 17.12.2015.

Learned counsel, appearing on behalf of the petitioners, has submitted that there is no specific allegation against these petitioners of demand of dowry. He further submits that lodging of the First Information Report after six days of the death of the deceased suggests that the F.I.R. has been instituted for oblique purpose. It has further been submitted that in the facts and circumstances of the case, there is no likelihood of the petitioners to tamper with the evidence or flee from the course of investigation or trial.

Learned counsel, appearing on behalf of the informant, on the other hand, has opposed the prayer for anticipatory bail and has submitted that the accused persons appear to have killed the deceased by administering poison and got the dead body disappeared and therefore, they should not be given the privilege

of anticipatory bail.

However, considering the vagueness of allegation pertaining to demand of dowry and the fact that all the family members and close relatives of the informant have been implicated in this case, this application is allowed.

Let the petitioners, abovenamed, in the event of their arrest/ surrender before the court below within six weeks from today, 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 Chief Judicial Magistrate, Jehanabad in Jehanabad P.S.Case No. 568/2015, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

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)

Surendra/-

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