

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17431 of 2016

Arising Out of PS.Case No. -439 Year- 2015 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Gulari Devi Wife of Yogendra Sahani
 2. Yogendra Sahani Son of Late Ram Sharan Sahani
 3. Jai Chandra Sahani Son of Yogendra Sahani
 4. Birendra Sahani son of Sitaram Sahani
 5. Amar Sahani Son of Sitaram Sahani,
- All residents of village- Jhitkahiya, P.S.- Lakhaura, District- East
Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 19-05-2016

Heard learned counsels for the petitioners

and the State.

The petitioners being the parents, brother and cousins of the husband of the victim are apprehending their arrest in a case registered for the offences punishable under Sections 304B, 498A, 323, 504 and 386 of the Indian Penal Code.

The prosecution case is of killing the daughter of the informant for non-fulfillment of dowry demands of Hero Honda motorcycle, she buffalo and one lakh rupees.



It is submitted by learned counsel for the petitioners that the petitioners claimed to be separate from the husband of the victim and a certificate of Panchayat Mukhiya to that effect has been filed along with supplementary affidavit. The dead body of the victim has not been recovered as yet, hence, the case does not come within the purview of section 304B of the IPC. This fact has not been controverted by learned APP after going through the case that the dead body has not been recovered. It is further submitted that there is no eye witness to the occurrence and there is nothing to suggest that the petitioners were residing with the husband of the victim. Moreover, the investigation is still pending and the thrust of accusation is against the husband of the victim.

Considering the aforesaid facts, let the above named petitioners be released on anticipatory bail **till conclusion of the investigation**, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Motihari Muffasil (Lakhaura) P.S. Case No. 439 of 2015, subject

to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioners will be accepted by the learned court below on filing affidavit that the petitioners will cooperate in the investigation. The non-cooperation in investigation will give liberty to the learned court below to cancel the bail bonds of the petitioners.

(Dinesh Kumar Singh, J)

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