

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21322 of 2016

Arising Out of PS.Case No. -8 Year- 2016 Thana -PHENHARA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Paltu Raut S/o late Gajadhar Raut
 2. Chitra Rekha Devi W/o Paltu Raut
 3. Vinod Raut S.o Paltu Raut
 4. Manju Devi W/o Vinod Raut All of Vill- Deokulia, PS Phenhara District East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate

For the Opposite Party/s : Mr. Rajendra Pd.Nat (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 05-08-2016

Heard learned counsel for the petitioners, learned

counsel for the informant and the learned A.P.P. for the State.

Petitioners, who are father-in-law, mother-in-law, brother-in-law (Devar) and sister-in-law (Gotani) of the deceased, apprehend their arrest in connection with Phenhara P.S. Case No. 08 of 2016, G.R. Case No. 521 of 2016 registered for the offence punishable under Sections 304B, 120B/34 of the Indian Penal Code.

The prosecution case, in brief, is that deceased Ranju Devi, daughter of the informant was married with co-accused Subodh Kumar in the year 2015 according to Hindu rites and customs. After marriage, deceased Ranju Devi was living peacefully in her matrimonial home. After some time, accused

persons demanded Rs. Two lacs as dowry and due to non-fulfilment of demand of dowry, deceased Ranju Devi has been murdered.

It has been submitted by the learned counsel for the petitioners that petitioners are innocent and have been falsely implicated in the aforesaid case. He submits that deceased had an affair with *Mamera devar*, Suraj with whom she used to talk late in the night and also used to call him. It has also been submitted that supervision note as well as postmortem report indicate that there is no other injury except injury on the neck and as per the supervision note the said injury was caused by rope and death occurred due to hanging. He further submits that the case against these petitioners have been found true under Section 306 of the Indian Penal Code and have been recommended for submission of charge-sheet under the aforesaid section of the Indian Penal Code. He further submits that the allegation of demand of dowry is vague as the said allegation does not find place in the supervision note.

However, learned counsel for the informant submits that death took place within one or two years of the marriage and there was demand of dowry and the petitioners are named in the First Information report, hence, opposes the prayer for bail.

Learned A.P.P. submits that petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since there was no other injury except the injury on the neck, which does not indicate that there was struggle by the deceased, let the petitioners, named above, in the event of their arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-12, Motihari, East Champaran in connection with Phenhara P.S. Case No. 08 of 2016, G.R. Case No. 521 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, it is made clear that petitioners will appear before the police/ Court as and when required and failure to appear before the learned Court below on two consecutive dates without there being any reasonable cause, would entail the consequences of cancellation of his bail bonds without being prejudiced by this order.

(Nilu Agrawal, J.)

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