

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28114 of 2016

Arising Out of PS.Case No. -705 Year- 2015 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

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1. Vinod Patel, s/o Late Kapildeo Patel
2. Brijesh Patel, s/o Vinod Patel
3. Birendra Patel, s/o Bhola Patel
4. Surendra Patel, s/o Bhola Patel
5. Chanda Devi @ Lalita Devi, w/o Vinod Patel
6. Prabhawati Devi @ Gyatri Devi, w/o Birendra Patel
7. Surendra Patel @ Jamadar Patel, s/o Late Firangi Raut
All are resident of vill – Shekhauna Math, P.S. – Bettiah Mufassil, Distt –
West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Adya Singh, Adv.

For the Opposite Party/s : Mr. Sri Ram Bachan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 05-09-2016 Heard both sides.

The petitioners seven in numbers apprehend their arrest in Bettiah Mufasil P.S. Case No. 705/2015, registered for the offences punishable under Sections 304B, 201 and 34 of the Indian Penal Code.

The informant father of the deceased alleged that he married his daughter Rubi Kumari with Brijesh Patel petitioner no. 2 son of Vinod Patel petitioner no. 1. Brijesh Patel immediately after marriage demanded Rs. 25,000/- and a chain made of gold. The daughter of the informant informed him, the informant tried to pacify the matter, but Vinod Patel father-in-law also threatened of

dire consequence. On the next day the informant got information that his daughter was killed and her dead body was hurriedly cremated.

Learned counsel for the petitioners submits that petitioner no. 1 is father-in-law petitioner no. 2 is the husband and petitioner no. 3 to petitioner no. 7 are the relatives of the husband of the deceased. There is no specific allegation of demand of dowry and torture against the petitioners. no. 3, 4, 5, 6 and 7. During the course of investigation the independent witnesses have stated that the informant and others participated in the cremation of the deceased.

It appears that the informant made specific allegation against the husband and father-in-law of the deceased that they were subjecting the deceased to torture. Within two years of marriage the deceased is said to have committed suicide being fed up with physical and mental torture given by the petitioner no. 1 and 2.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner no. 1 Vinod Patel father-in-law and petitioner no. 2 Brijesh Patel husband of the deceased on anticipatory bail. Accordingly, the same is rejected.

So far as the case of petitioner no. 3 Birendra Patel,

petitioner no. 4 Surendra Patel, petitioner no. 5 Chanda Devi, petitioner no. 6 Prabhawati Devi and petitioner no. 7 Surendra Patel @ Jamadar Patel are concerned, there is no specific allegation of demand of dowry and torture against them, accordingly, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, they are directed to be enlarged 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 Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah (Mufasil) P.S. Case No. 705/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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