

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32610 of 2016

Arising Out of PS.Case No. -100 Year- 2016 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

- =====
1. Jiriya Devi, Wife of Sri Nageshwar Chaudhary.
2. Nageshwar Choudhary, Son of Sri Jagarnath Chaudhary, Both residents
of Village- Rohini Bihar, P.S- Rajpur, District- Buxar, (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogendra Kumar
For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 03-08-2016 Heard learned counsels for the petitioners and the State.

The petitioners being the husband of the informant is apprehending arrest in a registered case for the offences punishable under Sections 304(B), 498A, 323, 201, 504/34 of the Indian Penal Code and also ¾ of the Dowry Prohibition Act.

The prosecution case is of killing the daughter of the informant after three years of marriage for non-fulfillment of dowry demand.

It is submitted by the learned counsel for the petitioners that the thrust of accusation is against the husband of the victim. The petitioners claim to be separate from the husband of the victim. Admittedly, the victim died on 23.03.2010 whereas the



present complaint was filed on 09.04.2016 which came to be registered as police case on 18.04.2016. The omnibus and general accusation has been levelled against the entire in-laws family including the petitioners. It is further submitted that from para 8 of the complaint, it appears that on 19.03.2010 at about 4 PM, the complainant was informed through phone by the husband of the victim that the victim is not well when the complainant went to the in-laws house of the victim and found his daughter in unconscious condition when the accused persons suggested that the victim has consumed poison. Thereafter, the accused persons were taking the victim to Baranashi but on the way her condition deteriorated leading to her admission in S.P. Surgical Private Hospital where she died during treatment on 23.03.2010. The present complaint was filed on 09.04.2010 but there is no explanation for delay in filing of the present complaint, though it has been mentioned in the petition that the complainant approached the police station on 07.04.2010 after about two weeks of death of the victim. Moreover, admittedly postmortem was not done.

Considering the delayed lodging of the case and thrust of accusation against the husband of the victim, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within

a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Bhabua (Kaimur) in connection with Durgawati P.S. Case No. 100 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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