

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48099 of 2016

Arising Out of PS.Case No. -95 Year- 2016 Thana -CHAND District- BHABHUA (KAIMUR)

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1. Umashankar son of Chakauri
2. Mintara Devi Wife of Umashankar
3. Suraju @ Surju Son of Shivlochan Chauhan all Resident of Village -
Rampur, P.S- Chand district - Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Sri Murlidhar

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 14-12-2016 Heard the Counsel for the petitioners and the

informant.

The petitioners herein are the father-in-law, mother-in-law and maternal uncle-in-law of the deceased and are facing prosecution under sections 304(B)/34 of the Indian Penal Code vide Chand P.S. Case No. 95 of 2016 lodged by the father of the deceased alleging that within 07 years of marriage, the victim was tortured on account of non-fulfilment of demand of dowry and later subjected to cruelty which resulted in her death at the sasural in a very suspicious circumstance.

Contention of the petitioners is that there is no eye witness. In fact, the death was accidental. Petitioner No. 3 being maternal uncle-in-law was not named accused in 498A IPC case



lodged by the deceased against the in-laws.

Counsel for the informant, on the other hand, submits that it is a case of dowry death. Severe injuries i.e. fracture of arms and legs were found on the person of the deceased. The investigation is still on.

Considering the facts and circumstances of the case, I am not inclined to privilege petitioner nos. 1 and 2 with anticipatory bail. Their prayer is rejected.

Let the petitioner no. 3 namely Suraju @ Surju, in the event of arrest or surrender in the Court below within four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua in Chand P.S. Case No. 95 of 2016 (G.R. No. 1984/16) subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to



cancel the bail bond of the petitioner and secure his arrest in
accordance with law.

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(Kishore Kumar Mandal, J)

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