

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48780 of 2016

Arising Out of PS.Case No. -157 Year- 2016 Thana -GOPALPUR District- BHAGALPUR

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1. Dayanath Mishra S/o Late Chintamani Mishra
 2. Smt. Mira Devi W/o Dayanath Mishra Both resident of Village- Bhawanipur, P.S.- Rangra, O.P. (Gopalpur), District- Bhagalpur.
 3. Sunil Kumar Jha S/o Nityanand Jha resident of Village- Gosaigaon, P.S.- Gopalpur, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar

For the Opposite Party/s : Mr. Sri Ahmad Ali

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 19-12-2016 Heard the counsel for the petitioners and Mr. Ahmad Ali, APP for the State.

The petitioners being the father-in-law, mother-in-law and husband of the sister-in-law of the victim are facing accusation punishable under section 304-B IPC, vide Gopalpur (Rangra) P.S. Case No. 157 of 2016 lodged by the mother of the deceased. The allegation is that within few months of marriage, the victim was tortured physically and mentally on account of non fulfillment of the demand of dowry and was subsequently done to death in a very suspicious circumstances while she was at her Sasural.



The contention of the petitioners is that there is no eye-witness to the occurrence. Efforts were made to give the victim medical assistance inasmuch as she was brought to the hospital from where she was referred to another hospital and in course of treatment she died. The doctor holding the post mortem examination did not find any external injury on the cadaver of the victim. It is also submitted that the two petitioners are fairly aged persons.

Counsel for the State, on the other hand, submitted that the petitioners are family members and within 07 years of marriage the death has occurred. There is presumption of law against the petitioners.

Considering the seriousness of the allegation and materials reflected from the record, I am not inclined to extend the petitioners the privilege of anticipatory bail. Prayer is accordingly refused.

(Kishore Kumar Mandal, J)

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