

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10024 of 2016

Arising Out of PS.Case No. -99 Year- 2015 Thana -AWTARNAGAR District- SARAN

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1. Uma Devi Wife of Ram Babu Rai Resident of Ramgarha, P.S.- Autar Nagar, District- Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar Tiwary

For the Opposite Party/s Mr. Nityanand (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02/ 03.03.2016 Heard learned counsel for the petitioner, learned Addl. Public Prosecutor for the State as well as learned counsel for the informant.

Petitioner happens to be mother-in-law of the deceased and is languishing in jail custody since 27.8.2015 in a case registered under section 304B/34 of the Indian Penal Code.

No doubt, there is presumption of dowry death in a case of section 304B of the Indian Penal Code but before coming to the aforesaid presumption, prosecution is duty bound to prove all ingredients of section 304B of the Indian Penal Code. In the present case, general allegation of demand has been levelled against the petitioner but in the first information report itself, it has been mentioned that ten days prior to death of deceased, it was husband of the deceased who made demand of motorcycle and cash.

Moreover, there is no specific allegation of torturing against

the petitioner who is old lady.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saran in Awatar Nagar P.S. Case no. 99/2015.

(Hemant Kumar Srivastava,J)

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