

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.1726 of 2016**

Arising Out of PS.Case No. -123 Year- 2015 Thana -MATIHANI District- BEGUSARAI

1. Jitendra Rai, S/o Nandan Rai.  
2. Radha Devi, W/o Nandan Rai

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. Md.Fahimuddin(App)

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      13-01-2016                      Heard learned counsels for the petitioners and the State.

Petitioner no.1 being husband of the victim and petitioner no.2 being mother of petitioner no.1 are apprehending arrest in a case registered for the offences punishable under Sections 304B, 201/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Accusation is of killing the daughter of the informant after four years of marriage for non-fulfillment of dowry demand and disposing of the dead body.

It is submitted by learned counsel for the petitioner that the victim died due to accidental burnt injury and moreover, the informant has retracted from initial version and has filed a petition to that effect before the learned court below, the same has

been brought on record as annexure-2 to the petition.

Considering the nature of accusation, this Court is not inclined to grant anticipatory bail to petitioner no.1 Jitendra Rai.

Let the learned Court below consider the prayer for regular bail of petitioner no.1, if he surrenders within a period of six weeks in connection with Matihani P.S. Case No.123/2015, pending before the learned SDJM, Begusarai.

With the above observation, this application, so far as it relates to petitioner no.1 is, accordingly, disposed off.

Considering the fact that victim died after four years of marriage and petitioner no.2 namely Radha Devi being lady, let her be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Begusarai in connection with Matihani P.S. Case No.123/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

**(Dinesh Kumar Singh, J)**

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