

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2574 of 2016

Arising Out of PS.Case No. -115 Year- 2015 Thana -KHANPUR District- SAMASTIPUR

1. Pawan Kumar Jha @ Pawan Jha Son of Late Dineshwar Jha
2. Meena Devi W/o Pawan Kumar Jha @ Pawan Jha Both are resident of village- Rajwara, P.S.- Khanpur, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra
For the Opposite Party/s : Mr. R.C.Sahni(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-01-2016 Petitioners being parents of the husband of the victim are apprehending their arrest in a case registered for the offences punishable under Sections 304B/34 of the Indian Penal Code.

The accusation is killing the daughter of the informant after about six years of marriage for non-fulfilment of dowry demand.

It is submitted by learned counsel for the petitioners that thrust of accusation is against the husband of the victim. The petitioners claim to be separate from the husband of the victim. The marriage was actually performed on 20.01.2004 and the elder son of the victim is more than six years of age which suggests that the case does not come within the purview of Section 304B of the Indian Penal Code. Moreover the victim died due to accidental burn injury.

Considering the fact that thrust of accusation is against the husband of the victim and as per own admission of the informant the victim died after six years of marriage, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Samastipur in connection with Khanpur P.S. Case No. 115 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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