

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36161 of 2016

Arising Out of PS.Case No. -108 Year- 2015 Thana -SHAKURABAD District- JEHANABAD

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1. Kali Ram aged about 64 years S/o late Buddu Ram
 2. Basanti Devi, aged about 60 years W/o Sri Kali Ram both are residents of Village- Selarpur, P.S. Sakurabad, Distt Jehanabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 29-09-2016 Heard the counsel for the petitioners and the State.

The petitioners are accused of Sakurabad P.S. Case No. 108 of 2015 registered under Sections 304B/34 of the Indian Penal Code

The petitioners are father-in-law and mother-in-law respectively of the deceased. The informant being father of the deceased has alleged that soon after the marriage of her daughter the demand of dowry was made by the husband of the deceased and her in-laws. She was tortured by her husband and in-laws for non-fulfillment of demand of dowry. 2-3 months prior to the occurrence, the husband of the victim had left the place and gone outside to earn livelihood. She was however, living in sasural. On the alleged night, the petitioner no. 1 gave an information

about serious condition of her daughter. He reached there to find his daughter lying dead inside the house. It has been alleged that the husband and other family members including the petitioners and her in-laws have committed murder of his daughter on account of non-fulfillment of demand of dowry.

Counsel for the petitioners submits that the autopsy report does not support the case as the doctor found dislocation of the survival bone which ultimately caused asphyxia. The husband of the deceased is not made accused in the case. The petitioners are old father-in-law and mother-in-law.

Learned APP opposed the prayer and submitted that within seven years of her marriage, the deceased was done to death in the matrimonial home in a very mysterious condition. There is also allegation of torture at the hands of the in-laws. Under law the presumption is that the accused(s) being the in-laws have committed the occurrence until the otherwise is proved.

Considering the seriousness of the allegation and the materials reflected from the records, I am not persuaded to extend them the privilege of anticipatory bail.

Their prayer is rejected.

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(Kishore Kumar Mandal, J)

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