

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21129 of 2016

Arising Out of PS.Case No. -23 Year- 2016 Thana -BUXAR MUFFSIL District- BUXAR

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Surmila Devi wife of Wakil Yadav, Resident of village- Baghelawa, P.S.-
Buxar (M), District- Buxar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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With

Criminal Miscellaneous No.25642 of 2016

Arising Out of PS.Case No. -23 Year- 2016 Thana -BUXAR MUFFSIL District- BUXAR

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Wakil Yadav s/o Late Hari Narayan Singh, resident of Village- Baghelawa,
Police Station- Buxar (M), District- Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.21129 of 2016)

For the Petitioner/s : Mr. Rang Nath Choubey

For the Opposite Party/s : Mr. Pronati Singh (App)

(In Cr.Misc. No.25642 of 2016)

For the Petitioner/s : Mr. Rang Nath Choubey

For the Opposite Party/s : Mr. Sri Umeshnand Pandit

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH

ORAL ORDER

03/ 25-07-2016

Heard learned counsels for the petitioners

and the State.

The petitioners being the parents of the
husband of the informant are apprehending their arrest in a case
registered for the offences punishable under Sections 498A, 341,

323/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act. Subsequently on the death of the informant section 304B IPC was also added.

The prosecution case as per the informant is that she was married with the son of the petitioners, namely, Om Prakash Yadav but immediately after the marriage torture was inflicted for non-fulfillment of dowry demand. The accused persons assaulted the informant three months prior to the lodging of the FIR, but lastly on 28.01.2016 assault the made to throttle the informant. The informant was admitted to the hospital with injuries but subsequently she was succumbed to the injuries.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general and just prior to the lodging of the FIR the accusation of throttling has been levelled against the husband of the informant.

It is submitted by learned APP after going through the case diary that only one superficial injury has been found. The opinion with regard to the cause of death has been reserved awaiting the FSL report.

Considering the nature of accusation, let the learned court below consider the prayer for regular bail of the petitioners, if the petitioners surrender before the learned

court below within a period of six weeks from today in connection with Buxar (M) P.S. Case No. 23 of 2016 pending in the court of learned Chief Judicial Magistrate, Buxar.

Accordingly, both the applications are disposed of.

(Dinesh Kumar Singh, J)

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