

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39681 of 2016

Arising Out of PS.Case No. -43 Year- 2016 Thana -MAHILA P.S. District- SIWAN

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1. Om Prakash Chaurasia son of late Duryodhan Chaurasia.
 2. Nirmala Devi wife of Om Prakash Chaurasia.
 3. Sita Devi Daughter of late Duryodhan Chaurasia

.... Petitioner/s

Versus

1. State of Bihar.
2. Sandhya Devi wife of Jai Prakash Chaurasia.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate.

For the Opposite Party/s : Mr. Sri Rajballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-09-2016 Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners being the elder brother, his wife and married sister of the husband of the informant are apprehending their arrest in a case registered for the offences punishable under Section 341,323,498(A) and 304 of the Indian Penal Code and Section 34 of the Dowry Prohibition Act.

Accusation is of torture for non-fulfillment of dowry demand and negligence due to which the child of the informant died as she was driven out from the matrimonial house.

It is submitted by learned counsel for the petitioners that the marriage of the informant was performed with the brother

of the Petitioner no. 1, Jai Prakash Chaurasia. The informant gave birth of an unhealthy male child on 12.08.2015. The child was treated by several doctors at the expense of the husband of the informant. The medical prescriptions have been brought on record as Annexure 2 series. The informant was present during course of treatment and in her presence her son died on 14.02.2016 where after the informant left the matrimonial house and ultimately filed the present case on 16.06.2016 about after four months of the death of the child. The accusation is omnibus and general.

Considering the delayed lodging of the case and there is nothing on record to suggest any intended act which contributed to the death of the child of informant, let the petitioners, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on 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, Siwan in connection with Mahila P.S. Case No. 43 of 2016 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Prakash/-

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