

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7903 of 2016

Arising Out of PS.Case No. -285 Year- 2015 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

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1. Shambhu Sharma S/o Kashi Sharma
2. Malti Devi W/o Shambhu Sharma, both of vill.- Bhagwatiya, P.S.-
Kesariya, Dist.- East Champaran

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Adv.

For the Opposite Party/s : Md. Aslam Ansari (App)

For the informant : Mr. Abhishek Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 06-04-2016 Heard learned counsel, appearing on behalf of the

petitioners, and the learned Addl. Public Prosecutor, appearing on

behalf of the State as also learned counsel for the informant.

This application for grant of anticipatory bail arises out
of Kesariya P.S.Case No. 285/2015, disclosing offences under
sections 304B, 201/34 of the Indian Penal Code.

Petitioner no.1 is the father-in-law and petitioner no.2 is
the mother-in-law of the deceased.

Learned counsel for the petitioners submits that even if
the allegation, as contained in the First Information Report, is
treated to be true, there is no allegation against these petitioners of
demand of dowry or torture therefor. He submits that the

allegation is against the husband of the deceased of demanding motorcycle etc. He further submits that so far these petitioners are concerned, they have been implicated merely on the basis of suspicion.

Learned counsel for the informant has opposed the prayer for anticipatory bail and has submitted that considering the fact that an offence under section 304B of the I.P.C. is made out, on the basis of allegations, as contained in the F.I.R., the petitioners do not deserve privilege of anticipatory bail considering the gravity of the offence.

I find substance in the submissions made on behalf of the petitioners that the F.I.R. does not contain any allegation of demand of dowry against these petitioners. This application is, accordingly, allowed.

Let the petitioners, abovenamed, in the event of their arrest/ surrender before the court below within six 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 the Sub Judge 11, Motihari, East Champaran, in Kesariya P.S.Case No. 285/2015, G.R.Case No. 5787/2015, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioners shall present themselves before the police/ court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Surendra/-

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