

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56609 of 2015

Arising Out of PS.Case No. -412 Year- 2014 Thana -KANTI District- MUZAFFARPUR

1. Tuntun Paswan, son of Late Chandradeo Paswan.
2. Harendra Paswan, Son of Late Chandradeo Paswan,
3. Banarasi Devi, wife of Harendra Paswan,
4. Nibha Kumari @ Nibha Devi
5. Vibha Kumari, both Daughter of Tuntun Paswan, All Resident of Village-Bangra Hardas, Police Station- Kanti, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Jha
For the Opposite Party/s : Mr. Nitya Nand Tiwary (App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 19-01-2016 Heard Mr. Jha for the petitioners and Mr. Tiwary, APP for the State.

The five petitioners herein seek bail in Kanti P.S. Case No. 412 of 2014 registered under section 304-B/34 IPC.

The case was lodged by the father of the deceased alleging that his daughter was married to the son of petitioner no.1 on 30.06.2014. Immediately thereafter, the accused persons started torturing the victim for non-fulfilment of demand of dowry. On few occasions, the matter was pacified by the informant himself. The victim was strangulated to death in the matrimonial home on account of non-fulfilment of dowry.

The contention of the petitioner is that the husband of the victim (not the petitioner) is living separately. Petitioner nos. 2 and 3 are cousin father-in-law and cousin mother-in-law. They have no say in the family affairs of the deceased. No one has actually seen the occurrence committed by the petitioners. Petitioner nos.4 and 5 are married Nanads who seldom reside in their **Naihar**. As a pressure tactics, they have been named without any specific overt act.

Learned APP, on the other hand, opposed the prayer and contended that within a year of marriage, the victim was done to death in mysterious circumstances in the matrimonial home. The FIR is very candid on this aspect. The post mortem report indicates the cause of death as strangulation.

Considering the facts and circumstances of the case, I am not persuaded to extend the privilege of anticipatory bail to petitioner nos. 1 to 3 abovenamed. Their prayer for bail is accordingly rejected.

So far as petitioner nos. 4 and 5, namely, Nibha Kumari @ Nibha Devi and Vibha Kumari, respectively are concerned, in the even of arrest/surrender within four weeks from today, they shall be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction Sub

Judicial Magistrate (West) Muzaffarpur in Kanti P.S. Case No. 412 of 2014 on condition that one of the bailors shall be their own/close family members. The petitioners shall appear in person on each date fixed at the trial. In case of default in such appearance on two consecutive dates, the trial court shall have liberty to cancel their bail bonds.

(Kishore Kumar Mandal, J)

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