

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.401 of 2016

Arising Out of PS.Case No. -233 Year- 2015 Thana -GARKHA District- SARAN

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1. Kushe Pandey, son of Jagarnath Pandey
2. Hiya Sharan Devi, Wife of Sri Kushe Pandey
Both residence of village - Gauhar Basant, Police Station - Garkha,
District - Saran at Chapra

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Shambhu Prasad Yadav, Advocate

For the Opposite Party : Md. Sufiyan (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 29-09-2016 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

The petitioners being the father-in-law and mother-in-law are apprehending their arrest in connection with Garkha P.S. Case No. 233 of 2015 registered for the offence punishable under Section 304(B)/34 of the Indian Penal Code.

Case diary was called for, which has since been received.

Learned counsel for the petitioners submits that the present case has been lodged by the informant on the basis of speculation. There is no specific allegation against the father-in-law and mother-in-law, the present petitioners. The allegation of demand of dowry as against the husband not these petitioners.

Counsel for the State, after perusal of the case diary,

submits that the victim lady died and thereafter the dead body was cremated without intimation to the informant. It is further submitted that the brother-in-law of the deceased lady has submitted that the in-laws and the husband had been altogether asking for dowry and had killed the victim lady and declared it to be a case of snake bite. However, there is no further cogent material in the case diary nor has any independent witness been examined at the village of the deceased to support the prosecution case.

Considering the aforementioned facts and circumstances and the role assigned to the present two petitioners, let the petitioners above named, in the event of their arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged 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 Chief Judicial Magistrate, Saran, Chapra in connection with Garkha P.S. Case No. 233 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J.)

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