

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26871 of 2016

Arising Out of PS.Case No. -200 Year- 2015 Thana -MADHUBANI TOWN District- MADHUBANI

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1. Sundari Devi Wife of Mahendra Mandal,
2. Mahendra Mandal son of Late Kishun Mandal Resident of Village-
Gausala Road, P.S. Madhubani Town, District- Madhubani..... Petitioner/s
Versus

1. The State of Bihar Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh 1APP
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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 01-09-2016

Heard both sides.

The petitioners apprehend their arrest in Madhubani Town P.S. case No. 200 of 2015 under Section 304B/34 of the Indian Penal Code.

The informant got information from petitioner No.2 that condition of his daughter was deteriorating and when the informant went there he found his daughter dead. The informant alleged that at the time of marriage he gave Rs. 3,50,000/- cash and ornaments worth Rs. 1,50,000/- but the husband of deceased and her in-laws were demanding remaining dowry. There were injuries on all over the body of his daughter.

The learned counsel for the petitioners submits that petitioners are mother-in-law and father-in-law of the deceased and no specific allegation is made against them. During the course of investigation, the witnesses have stated that on the eve of Bat Savitri the deceased held fasting and on account of gastritis she

died. It is further submitted that husband of deceased has already been enlarged on regular bail taking into account all the facts vide order dated 10.11.2015 passed in Cr. Misc. No. 43037 of 2015 but from perusal of the case diary it appears that informant and other relatives of the deceased have made very specific allegation against the husband and others that they were demanding dowry. The post mortem report shows that deceased was brutally assaulted and there were abrasion and bruises all over her body and she was smothered to death.

Considering the fact that the deceased died within one year of her marriage, there are injuries all along her body and she was smothered to death, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

If the petitioners surrender in the court below, i.e. learned Additional Sessions Judge-VI, Madhubani in Madhubani Town P.S. case No. 200 of 2015, and pray for regular bail, the learned court below shall consider the prayer for regular bail of the petitioners taking into account the fact that husband of deceased has already been enlarged on regular bail.

(Prabhat Kumar Jha, J)

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