

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34581 of 2016

Arising Out of PS.Case No. -272 Year- 2013 Thana -JAMUI District- JAMUI

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1. Sushma Devi, wife of Yugesh Pandey
2. Yugesh Pandey, son of Indradeo Pandey, both are residents of village
Padmawat, P.S. and District Jamui Petitioners

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioners : Mr. Pankaj Kumar Sinha, Adv.

For the Opposite Party : Mr. Smt. Pronati Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 16-08-2016

Heard the counsels for the petitioners and the State.

The petitioner, being the husband of the daughter of the informant, is apprehending arrest under Sections 323, 498A, 304B, 201, 504 and 364 of the Penal Code and 3 and 4 of the Dowry Prohibition Act.

The prosecution case is of abduction of the daughter of the informant, Babita Devi, and killing her for non-fulfillment of dowry demand after about six years of marriage. It is alleged that the informant solemnized the marriage of his daughter, Babita Devi, with the co-accused, Dinesh Kumar Pandey in the year 2007, but, subsequently torture was inflicted for non-fulfillment of dowry demand. On 21.08.2013, the informant got the information that his daughter, Babita Devi, has gone missing. Thereafter, the informant went to his daughter's in-laws house and when the accused persons assured that she will return very soon, the informant kept waiting, but, his daughter did not return then the present first information report was lodged as it was suspected that the daughter of the informant was killed and the dead body was disposed off.

It is submitted by the learned counsel for the petitioners that the petitioner no. 1, Sushma Devi, is also daughter of the informant, as she has been married with petitioner no. 2, who happens to be the own brother of co-accused, Dinesh Kumar Pandey, with whom the victim, Babita Devi, was married. Hence, both the sisters were married in the same family.

Admittedly, the informant came to know about the disappearance of Babita Devi on 21.08.2013, but, the complaint petition no. 1315 of 2013 was filed on 30.08.2013, which came to be registered as a police case on 11.09.2013 after the complaint being transferred under Section 156(3) of the Criminal Procedure Code whereas the mother of petitioner no. 2, namely, Maya Devi, lodged Jamui P.S. Case No. 243 of 2013 on 23.08.2013 with accusation under Section 366 of the Indian Penal Code alleging therein that Maya Devi went to Jamui Sadar Hospital on 22.08.2013 with her daughter-in-law, Babita Devi, the victim. But Maya Devi went to bring tea, in the meantime, the daughter-in-law went missing with cash of Rs.5,000/- and ornaments.

It is, further, submitted that after considering the case, lodged by the petitioners' side, at earlier point of time, a coordinate Bench of this High Court granted anticipatory bail till conclusion of investigation to other similar co-accused, namely, Maya Devi, Awadhesh Pandey, Suresh Pandey and Vikash Pandey vide Cr. Misc. No. 37192 of 2013.

Considering the case lodged by the petitioners at earlier point time, delay in lodging of the present case and similarly situated co-accused having been granted anticipatory bail, let the petitioners, above named, in the event of arrest or surrender, within four weeks from the date of receipt of this order, are directed to be released on anticipatory bail, **till the conclusion of the investigation**, on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with the Jamui P.S. Case No. 272 of 2013 (arising out of Complaint Case No. 1315 of 2013) to the satisfaction of the Chief Judicial Magistrate, Jamui, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Dinesh Kumar Singh, J)

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