

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37767 of 2016

Arising Out of PS.Case No. -56 Year- 2015 Thana -DANIYAWA District- PATNA

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1. Bhonu Bind @ Bonu Bind, son of Barhu Bind, resident of village Chaura, P.S.- Daniyan, District- Patna.
 2. Phuleshwari Devi @ Sharo Devi, resident of village Chaura, P.S.- Daniyan, District- Patna.
 3. Rakesh Kumar, son of Bhonu Bind, resident of village Chaura, P.S.- Daniyan, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binoy Kumar Sinha-1

For the Opposite Party/s : Mr. M. Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 18-10-2016 Heard the Counsel for the petitioners and Mr. Dayal, APP
for the State.

The petitioners are facing prosecution punishable under sections 304B of the Indian Penal Code vide Daniyan P.S. Case No. 56 of 2015.

The petitioners herein are father-in-law, mother-in-law and minor devar of the deceased who was done to death in the matrimonial home within 07 years of her marriage with the son of the petitioner nos. 1 and 2. The uncle of the deceased is the informant. It is alleged that she was tortured mentally and physically on account of non-fulfilment of demand of dowry. It is further submitted with reference to the record including the impugned order that the petitioner no. 3 is hardly 10-11 years of age.

Learned APP has not disputed the contention of the petitioner that petitioner no. 3 is *devar* and a minor.

Considering the allegations and other materials available on record, I am not inclined to privilege anticipatory bail to petitioner nos. 1 and 2. Prayer is rejected.

In the event of arrest or surrender in the Court below within four weeks, the petitioner no. 3, namely Rakesh Kumar, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Gaighat, Patna City in Daniyan P.S. Case No. 56 of 2015 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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