

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35582 of 2016

Arising Out of PS.Case No. -50 Year- 2016 Thana -NAWADA MUFFASIL District- NAWADA

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Usha Devi wife of Mannu Raut @ Abhimanyu Raut, resident of village- Daruara, P.S.- Noorsarai, District- Nalanda (Bihar) at present residing at village- America Bigha, P.S.- Nawada (Muffassil), District- Nawada (Bihar).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Sri Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 20-10-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the mother of the husband of the victim is languishing in custody since 19.03.2016 in a case registered for the offences punishable under Sections 498A, 304B/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

The basic accusation is of killing the sister of the informant within one year of the marriage for non-fulfillment of the dowry demand.

It is submitted by learned counsel for the petitioner that the petitioner is an old lady. The thrust of



accusation is against the husband of the victim. The victim committed suicide as she was willing to reside with her husband at his place of working at Patna for which the husband was not ready. The accusation has specifically been supported by the family members of the victim only. There is no eye witness to the occurrence and independent witnesses have not levelled any specific accusation against the petitioner.

Learned counsel for the informant submits that the accusation of torture and demand of dowry is against all the accused persons and on conclusion of the investigation charge-sheet has been submitted under Sections 498A, 304B/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act. The husband of the victim is still absconding.

Considering the nature of accusation, this Court is not inclined to grant bail to the petitioner at present in connection with Nawadah (Muffasil) P.S. Case No. 50 of 2016 pending in the court of learned Chief Judicial Magistrate, Nawadah.

Accordingly, the prayer for bail of the petitioner is rejected.

Let the learned Magistrate commit the case of the petitioner to the Court of Sessions, if it has already been

committed then the learned trial court, if need be, will split up the trial of the petitioner.

The petitioner will be at liberty to renew the prayer for bail after framing of charge.

(Dinesh Kumar Singh, J)

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