

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10866 of 2017

Arising Out of PS.Case No. -6 Year- 2016 Thana -SONBERSA District- SAHARSA

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1. Manichan Mukhiya @ Manichandra Mukhiya
2. Bila Devi wife of Manichan Mukhiya @ Manichandra Mukhiya
3. Rina Devi D/o Manichan Mukhiya @ Manichandra Mukhiya All
residents of village - Sonbarsa Raj, P.S. - Sonbarsa Raj, District : Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Smt. Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 10-04-2017 Heard both sides.

The petitioners apprehend their arrest in Sonbarsa Raj P.S. case No. 06 of 2016 under Section 304B/34 of the Indian Penal Code.

The informant alleged that his daughter was married to Raj Kumar Mukhiya, son of petitioners No.1 and 2, two years ago but the accused persons demanded additional dowry and due to non fulfillment of the same the accused persons killed his daughter and cremated her dead body. When the informant and his wife went to the house of petitioners, the wife of informant was confined in a room and the accused persons took the dead body for cremation. Thereafter, the informant came to the house of



petitioners along with the police.

The learned counsel for the petitioners submits that petitioner Nos. 1 and 2 are father-in-law and mother-in-law of the deceased. Petitioner No.3 is married sister-in-law of the deceased. Petitioner No.3 has no manner of concern with family affairs of the deceased or her husband. She was living in her matrimonial house.

The learned Additional Public Prosecutor opposed the prayer for anticipatory bail and submitted that witnesses have stated that sister-in-law also subjected the deceased to physical and mental torture.

It appears that informant made allegation against the petitioners that they tortured his daughter due to non fulfillment of additional dowry but the informant did not make any specific allegation against married sister-in-law of the deceased. The informant alleged that petitioner Nos. 1 and 2 and others confined the wife of informant in a room and forcibly took the dead body and cremated the dead body hurriedly.

Considering the fact that petitioner Nos. 1 and 2 are father-in-law and mother-in-law of the deceased and there is specific allegation against that they tortured the deceased for non fulfillment of demand of additional dowry, I am not inclined to



enlarge the petitioner Nos. 1 and 2 on anticipatory bail. Accordingly, the same is rejected.

So far as case of petitioner No.3, Rina Devi, is concerned, she is married sister-in-law of the deceased and there is no specific allegation against her.

Considering the facts aforesaid, the above named petitioner No.3, in the event of her arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in Sonbarsa Raj P.S. Case No. 06 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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