

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17399 of 2017

Arising Out of PS.Case No. -517 Year- 2016 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

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1. Munna Prasad @ Nitesh Kumar, son of Late Sharma Nand Prasad.
2. Vandana Devi, @ Vandana Kri, Wife of Gunjan Prasad Srivastava, Both
Resident of Gandak-1, Bangali Colony, near S.P. residence, P.S. Bettiah
(Mufassil), District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Adv.

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 11-05-2017 Learned counsel for the petitioners submits that

petitioner no. 2 Vandana Devi @ Vandana Kumari has already

been arrested. Accordingly, the anticipatory bail petition of

petitioner no. 2 Vandana Devi @ Vandana Kumari is dismissed, as

has become infructuous.

Heard both sides.

The petitioner apprehends his arrest in Bettiah

(Mufassil) P.S. Case No. 517/2016, registered for the offences

punishable under Sections 304(B) and 34 of the Indian Penal

Code.

The informant alleged that she married her daughter



with Ritesh Prasad on 02.06.2014, but only after 02 months the accused persons started torturing her daughter. The informant further alleged that on 25.12.2016 all the accused persons asked the informant to fulfill the demand, failing which her daughter would be killed on 30.12.2016. On 31.12.2016, the informant got information that her daughter died of cold.

Learned counsel for the petitioner submits that the petitioner is the elder brother of the husband of the deceased. The petitioner is working in Block office Narkatiyaganj. He has no manner of concern with the family affairs of the deceased and her husband. No specific allegation is made against the petitioner. The deceased never lodged any complaint about demand of dowry and torture during her lifetime while she was living in her matrimonial home for more than 02 years.

On the other hand, learned counsel for the informant and the learned A.P.P. vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that the petitioner is the head of the family and at his instance the deceased was subjected to all sorts of torture.

It is submitted that in post-mortem report there are 03 injuries on the body of the deceased.

Considering the facts aforesaid and the fact that



petitioner is elder brother of the husband of the deceased and the petitioner has no manner of concern with the family affairs of the deceased and her husband, the petitioner no. 1 Munna Prasad @ Nitesh Kumar, in the event of his arrest or surrender before the 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 Chief Judicial Magistrate, Bettiah West Champaran in connection with Bettiah (Muffasil) P.S. Case No. 517/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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