

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47319 of 2017

Arising Out of PS.Case No. -45 Year- 2017 Thana -RAGHUNATHPUR District- SIWAN

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1. MAHATAM SAH Son of Late Sudama Sah
2. Atwaro Devi Wife of Mahatam Sah Both Resident of village- Kajrashan,
Police Station- Raghunathpur, District- Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 09-11-2017 Heard both sides.

The petitioner apprehends their arrest in Raghunathpur
P.S. Case No.45 of 2017 under Sections 304(B) and 34 of the
Indian Penal Code.

The brother of the deceased alleged that his sister was
married with Tunna Sah, the son of the petitioners on 10.07.2016
but immediately after marriage, the husband of his sister and other
in-laws including the petitioners began to torture his sister. The
accused persons strangulated his sister to death on 18.03.2017 and
took the dead body for cremation without informing the informant.
The informant went there and dead body was found.

The learned counsel for the petitioners submits that the
petitioners are father-in-law and mother-in-law of the deceased.



There is no specific allegation against the petitioner. During the course of investigation, independent witness from para 28 of the case diary and onwards disclosed that the deceased herself committed suicide and dead body was being taken for cremation with the consent of the family members of the deceased but it appears from the perusal of the case diary and the F.I.R. that the informant-brother of the deceased made specific allegation that the petitioners being father-in-law, mother-in-law and husband of the deceased and others were torturing due to non-fulfillment of demand of dowry. The deceased was married with the son of the petitioner on 10.07.2016 and she was strangled on 18.03.2017 i.e. within nine months from the date of marriage. During the course of investigation, the informant, the mother of the deceased and other relatives of the deceased have very categorically stated that petitioners were torturing the deceased. Post-mortem report also reveals that deceased died due to asphyxia and ligature was found all around neck.

Considering the facts aforesaid and the fact that deceased died in his sasural within nine months of her marriage, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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