

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42470 of 2017

Arising Out of PS.Case No. -56 Year- 2017 Thana -REVILGANJ District- SARAN

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1. Rajnath Rai, Son of Jamadar Rai,
2. Janakiya Devi W/o Ranjendra Rai,
3. Doman Rai Son of Rajendra Rai, All are R/o Village- Semaria Katahari
Bagh, Post Office and Police Station Revilganj, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Surya Nath Rai, Son of Late Ramput Rai, R/o Village- Matiari, P.S.-
Baikunthpur, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawnit Kumar Tiwary

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 21-12-2017

Heard both sides.

The petitioners apprehend their arrest in Revilganj
P.S. case No. 56 of 2017 under Section 304B, 201/34 of the Indian
Penal Code.

The informant filed a complaint case bearing
complaint case No. 2895 of 2015 on 17.09.1995 on the basis of
which the present FIR was lodged. The informant alleged in the
complaint petition that his daughter was married to Rambabu Rai
on 03.07.2010. His daughter lived happily in her Sasural but after
some time the accused persons started subjecting her to physical
and mental torture due to non fulfillment of demand of dowry. The
informant got information on 15.09.2015 that the accused persons
brutally assaulted her daughter and strangled her to death. The
informant went to matrimonial house of his daughter but did not
find his daughter.



The learned counsel for the petitioners submits that petitioners are father-in-law, mother-in-law and brother-in-law of the deceased. The informant has not made any specific allegation against the petitioners. The informant himself filed an affidavit that on wrong information he lodged the complaint case. It is further submitted that the deceased was pregnant and she died due to complication during the pregnancy, while she was under treatment of Dr. Sanju Prasad.

The learned counsel for the informant as well as the learned APP opposed the prayer for anticipatory bail. The learned counsel for the informant submits that informant has filed affidavit stating that he lodged the case on wrong information.

At the outset it is a very serious matter. The informant earlier lodged the case making allegation that his daughter was killed but later on he filed affidavit that he lodged the case on wrong information. The learned court below is directed to take necessary action against the informant, who sworn false affidavit.

Considering the facts aforesaid and the nature of allegation made against the petitioners and the fact that petitioners are father-in-law, mother-in-law and brother-in-law of the deceased and the marriage was solemnized in the year 2010 but the informant did not make any sorts of allegation against the petitioners during the five years after the marriage till the death of his daughter, the petitioners, above named, in the event of their 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 are 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 learned Additional Chief Judicial Magistrate-VIII, Saran at Chapra in connection with Revilganj P.S. case No. 56 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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