

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.848 of 2017

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1. Bilashani Devi Wife of Subodh Chandra Choudhary
 2. Subodh Chandra Choudhary Son of late Dewan Choudhary Both resident of Village Kharhara, Police Station Barahat, District Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Most. Meena Devi Wife of late Jagdish Prasad Jha, Resident of Village Motiya, P.S. Godda, District- Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha

For the Opposite Party/s : Mr. Sri Ram Priya Saran Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 31-01-2017 Heard the learned counsel for the petitioners, the learned A.P.P. for the State as also the learned counsel for the Complainant.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Complaint Case No. 1758 (C) of 2012 for the offences punishable under sections 304 (B) and 34 of the I.P.C.

Babita Kumari, the daughter of the complainant/ informant was married on 23.11.2005 to Ajit Kumar Choudhary and out of the wedlock there is a daughter aged three years and due to non fulfillment of Rs. 50,000/- the husband, the petitioners and other co-accused killed her after administering some



medicines to her, the son-in-law of the informant informed telephonically through the mobile that Babita Devi died and when the informant along with her son went to see the dead body was made traceless and started abusing the complainant and her men.

Submission is of false implication and that after inordinate delay Banka Barahat P.S. Case No. 402 of 2011 was registered wherein the police after completing investigation did not find the allegation true and submitted final form which was accepted and then on the basis of the protest complaint cognizance has been taken resulting the petitioners who are old mother-in-law and father-in-law are apprehending their custody after surrender, the deceased was Kidney patient and she was being treated since 2010, in the supplementary affidavit Photostat copy of the prescriptions have been attached, the deceased died due to illness and in presence of the complainant the dead body was cremated but she has lodged false case and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the complainant opposes prayer for pre-arrest bail of the petitioners by submitting that no proper care was taken of the deceased, the daughter of the complainant, and wrong medicines were provided resulting her death, she was pregnant and due to



non fulfillment of demand of dowry she was killed within seven years of her marriage, the dead body was also cremated hurriedly resulting no postmortem was done.

In the facts and circumstances as stated above, considering that the police after completing investigation submitted final form and did not find the allegation true, the petitioners are old mother-in-law and father-in-law and as such the petitioners, in case of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of. C.J.M. Banka in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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