

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48693 of 2017

Arising Out of PS.Case No. -102 Year- 2017 Thana -TEKARI District- GAYA

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1. Premshila Devi, W/o Nakul Mishra.
 2. Bambam Mishra @ Bolbam Mishra, Son of Nakul Mishra.
 3. Pramila Devi, W/o Bambam Mishra.
- All are R/o Village- Bhainsmara, P.S.- Tekari, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Adv.
For the State : Mr. Pranav Kumar, APP
For the Informant : Mr. Ram Anurag Singh, Adv.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 10-11-2017 Heard the parties.

This application, for grant of anticipatory bail, arises out of Tekari P.S. Case No. 102 of 2017, disclosing offences under Sections 304(B), 201, 120(B) read with Section 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

In the First Information Report, there is no specific allegation of demand by these petitioners, who are mother-in-law, brother of the husband of the deceased



and wife of the brother of the husband of the deceased, though there is allegation of demand of motorcycle and a sum of Rs. 1,00,000/-.

Learned counsel, appearing on behalf of the petitioners, has submitted, referring to the First Information Report, that the informant was told by the deceased that the accused persons including these petitioners were planning to kill her, which the deceased had heard.

Learned counsel, appearing on behalf of the informant, on the other hand, has submitted that these petitioners, considering the gravity of the offence, do not deserve to be released on anticipatory bail.

Judicial notice has been taken of the fact even by the Supreme Court of false implication of family members of the husband of a married woman after her death. The allegations, which have been made in the First Information Report, may constitute an offence under Section 304-B of the Indian Penal Code, though I do not have to comment at this stage, whether any such demand of dowry was made soon before the death of the deceased, in order to make out a case under Section 304-B of the Indian Penal Code. On the allegation that the deceased had informed the informant that she had heard



the accused persons discussing to kill her, in my view, should not be the basis for refusal of anticipatory bail, in view of clear stand taken on behalf of the petitioners that they shall not flee from the course of the investigation and trial.

Considering the entirety of the matter, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned Additional Chief Judicial Magistrate-VI, Gaya**, in connection with **Tekari P.S. Case No. 102 of 2017**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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