

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35267 of 2017

Arising Out of PS.Case No. -18 Year- 2017 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Prabhawati Devi, W/o Dinesh Upadhyay,
2. Kameshwar Upadhyay Son of Dinesh Upadhyay, Both are R/o Village-
Bara Auraiya, P.S.- Adapur, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar

For the Opposite Party/s : Mr. Smt. Asha Kumari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 14-09-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody since
08.02.2017 in connection with Adapur P.S. Case No. 18 of 2017
for offences punishable under Sections 304B, 120(B), 34 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his daughter Neha Kumari was married to the son of the
petitioner no. 1 namely Akhilesh Upadhyay in the year 2016 but
she was tortured and ultimately killed for non-fulfillment of
demand of dowry by her husband and in-laws.

It has been submitted by the learned counsel for the



petitioners that they are innocent, while petitioner no. 1 is the mother-in-law and petitioner no. 2 is the Bhaisur of the deceased Neha Kumari and the allegation upon the petitioners is false, general and omnibus and nothing specific has been alleged against the petitioners. He submits that the petitioner no. 2 has separate home and hearth from the deceased and her husband and the petitioner no. 1 generally stays with the petitioner no. 2. He submits that the relative Luv Kumar who had informed the informant about the alleged occurrence had stated that the petitioner no. 2 had told him to inform the said occurrence. It is further submitted that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioners.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioners are also involved and being the mother-in-law and Bhaisur have killed the informant's daughter.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged 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 learned Sub Divisional Judicial Magistrate, Raxaul at Motihari in



connection with Adapur P.S. Case No. 18 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioners having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioners and that petitioners will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J)

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