

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11182 of 2017

Arising Out of PS.Case No. -103 Year- 2016 Thana -MAHESI District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Fulgen Bhagat, S/o Deeplal Bhagat
 2. Mitthu Kumar, S/o Deeplal Bhagat,
 3. Deeplal Bhagar, S/o Late Lalan Bhagat,
 4. Kavita Devi, D/o Deeplal Bhagat, all resident of Village- Katha, P.S.-
Mehsi, District- East Champaran at Motihari.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Vibhakar Kumar, Advocate.

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 27-04-2017 Heard both sides.

The petitioners apprehend their arrest in East Champaran Mehsi P. S. Case No. 103 of 2016 registered for the offences under Sections 304B, 201 and 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

The petitioners are the husband, brother-in-law, father-in-law and sister-in-law of the deceased. The informant alleged that he married his daughter with Fulgen Bhagat (petitioner no.1), but Fulgen Bhagat and his family members were torturing his daughter. The informant came to the house of his daughter on 25.06.2016 and he did not find his daughter inside the house. On 10.07.2017, the informant came to know that



the husband and other in-laws killed his daughter and threw her dead body in Gandak river.

Learned counsel for the petitioners submits that the daughter of the informant died on 07.07.2016, but the F.I.R. was lodged on 10.07.2016. The petitioners never demanded any dowry. The deceased was mentally ill and she committed suicide. But from the perusal of the case diary, it appears that the post mortem was held after recovery of the dead body lying by the side of the river. It appears that the deceased sustained injury caused by sharp cut weapon.

Considering the facts aforesaid and the fact that the deceased died only after two years of her marriage and her dead body was thrown in the river, I am not inclined to enlarge the petitioner nos. 1, 2 and 3 who are the husband, father-in-law and brother-in-law of the deceased on anticipatory bail. Accordingly the same is rejected.

So far as the petitioner no.4 is concerned, she is sister-in-law of the deceased and she is a girl. Considering the facts aforesaid, the above named petitioner no.4, in the event of her 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, is directed to be enlarged on anticipatory bail



on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, East Champaran at Motihari in East Champaran Mehshi P. S. Case No. 103 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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