

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16092 of 2017

Arising Out of PS.Case No. -13 Year- 2017 Thana -CHANDAUTI District- GAYA

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1. Dinesh Pandey Son of late B.N. Pandey Resident of Mohalla- Badhu Bigha, Police Station- Chandauti, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.17717 of 2017

Arising Out of PS.Case No. -13 Year- 2017 Thana -CHANDAUTI District- GAYA

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1. Indu Devi wife of Dinesh Pandey Resident of mohalla - Bandhu Bigha, Police Station - Chandauti, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.16092 of 2017)

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Sri Binod Kumar

(In Cr.Misc. No.17717 of 2017)

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Sri Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 09-05-2017 Both the above-said petitions arise out of Chandauti P.S. Case No. 13 of 2017 registered under Sections-498A/304B of the Indian Penal Code and accordingly, both the above-said petitions are being disposed of by this common order.

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Chandauti P.S.



Case No. 13 of 2017.

It has been submitted that petitioner in Cr. Misc. No. 16092 of 2017 is father-in-law whereas; the petitioner in Cr. Misc. No. 17717 of 2017 is mother-in-law of the deceased. The husband of the deceased is in custody. It has further been submitted that petitioners have no concern with the affairs of husband and wife (since deceased) of the deceased. It has also been submitted that petitioner in Cr. Misc. No. 16092 of 2017 (father-in-law) was on duty at Panji Panda Border, West Bengal on the date of occurrence and after getting the news of death of his daughter-in-law, on 20-01-2017, he applied for leave and he was granted leave from 21-01-2017 for 30 days and thereafter, he proceeded to his home. The certificate granting leave has been annexed as Annexure-1 to this petition.

As per written report, the sister of the informant was done to death in her Sasural for non-fulfillment of demand of dowry by all the accused persons in conspiracy with each others by hanging with a view to save themselves.

The postmortem report is available at para-53 of the C.D. wherein the doctor has stated that death occurred due to asphyxia as a result of pressure over neck. The viscera is preserved. As such, there is no specific allegation of overt act



against these petitioners.

In such circumstances, prayer for anticipatory bail is allowed it is ordered that the petitioners named above, in the event of their arrest or surrender in the court below within four weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Chandauti P.S. Case No. 13 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Gaya subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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