

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43000 of 2017

Arising Out of PS.Case No. -988 Year- 2016 Thana -SAHARSA District- SAHARSA

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1. Bijali Devi @ Bijali Kumari, Wife of Sanjay Sah.

2. Kaishav Kumar, Son of Dev Narain Sah.

Both are resident of Village- Gandhi Path, Saharsa, P.S. and District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 20-09-2017 Heard the parties.

This application, for grant of anticipatory bail, arises out of Saharsa P.S. Case No. 988 of 2016, disclosing offences under Section 304B read with Section 34 of the Indian Penal Code.

Petitioner No. 1 is wife of the brother of the husband of the deceased, whereas, petitioner No. 2 is one of the brothers of the husband of the deceased.



Learned counsel for the petitioners has made two submissions. Referring to the First Information Report, he submits that no offence, under Section 304B of the Indian Penal Code, is made out in the absence of any allegation of demand of dowry. The husband has not been made accused in the First Information Report. He has secondly submitted that the informant, who is maternal grandmother of the deceased, has been made accused in a case registered by petitioner No. 1 for the same occurrence, in which petitioner No. 1 lost her two kids.

Learned counsel, appearing on behalf of the petitioners, appears to be correct in his submission that no case, under Section 304B of the Indian Penal Code, is made out on the basis of the allegations made in the First Information Report.

This application is, accordingly, 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 Chief Judicial Magistrate, Saharsa**, in connection with **Saharsa P.S. Case No. 988 of 2016**, 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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