

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61670 of 2017

Arising Out of PS. Case No.-249 Year-2015 Thana- DHANARUA District- Patna

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1. Shivratiya Devi, Wife of Suryadev Bind@Suraj Bind,
 2. Mitan Bind @ Mitendra Bind, Son of Suryadev Bind @ Suraj Bind, Both are Resident of Village- Jhammanchak, Barni, P.S.- Dhanrua, District- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan

For the Opposite Party/s : Mr. SRI PRADEEP NARAIN KUMAR

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-12-2017 Heard learned counsels for the petitioners and State.

The petitioners being the mother and brother of the husband of the victim are apprehending arrest in a case registered for the offences punishable under Sections 304B and 201/34 of the IPC.

The prosecution case, as per the written report of Ram Pravesh Bind is to the effect that his daughter Basanti Devi was married with Jitan Bind about seven years prior to the lodging of the present case. It is alleged that all the accused persons including the petitioners demanded dowry of motorcycle and for non-fulfillment of the same, they initially tortured the victim and ultimately killed her.

It is submitted by learned counsel for the petitioners that



the accusation is not specific against the petitioners. The thrust of accusation is against the husband of the victim, who is in custody. Admittedly, the occurrence took place after seven years of the marriage, hence the case does not come within the purview of Section 304B of the IPC.

Learned APP submits that the petitioners are the mother and brother of the husband of the victim and general and omnibus accusation has been levelled against them.

Considering the fact that thrust of accusation is against the husband of the victim and occurrence took place after seven years of marriage, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Masaurhi, Patna in connection with Dhanarua P.S. Case No. 249 of 2015, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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