

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2801 of 2017

Arising Out of PS.Case No. -11 Year- 2016 Thana -SAKSOHRA District- PATNA

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1. Sunil Prasad @ Sunil Kumar Son of Late Janardan Prasad
 2. Amit Kumar @ Amit Prasad
 3. Bhim Kumar @ Prem Raj both sons of Sunil Prasad All are residents of village Saksohra, P.S. Saksohra, District - Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gouranga Chatterjee

For the Opposite Party/s : Mr. Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 28-02-2017 Heard the learned counsel for the petitioners, the learned A.P.P. for the State as also the learned counsel for the Informant.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Saksohra P.S. Case No. 11 of 2016 for the offences punishable under sections 304 B and 34 of the I.P.C.

Juli Devi, the sister of the informant, was married to Subhash Kumar on 30.04.2015 and allegedly due to non fulfillment of demand of motorcycle and cash of Rs. 1,00,000/- by way of dowry she was being tortured by her husband and other in-laws including the petitioners and thereafter information was



received that Juli Devi had fallen down from the roof and when the informant went there he saw the dead body of his sister and all the family members were absconding. There was black mark on the neck of his sister.

Submission is of false implication and that the deceased committed suicide, during investigation it has come that the door of the room where she committed suicide was broke opened and the independent witnesses have not supported the prosecution version and they have stated regarding innocence of the petitioners, the deceased was adamant to go with her husband at his service place and for that there was dispute and then she committed suicide, the learned counsel for the petitioners has referred paragraphs- 16, 44, 45 and 46 of the case diary.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for pre-arrest bail of the petitioners by submitting that wrong information was given that the sister fell down from the roof, as a matter of fact she was strangled and in the postmortem report the doctor has mentioned the cause of death due to asphyxia caused by strangulation and as such the petitioners do not deserve pre-arrest bail.

In the facts and circumstances as stated above,



considering the statement of the independent witnesses vide paragraphs- 44, 45 and 46 and further that the petitioners are father-in-law and *Devers* and as such they, in case of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released 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. Sri Anil Kumar Thakur, Sub. Judge- II Cum A.C.J.M. Barh, District- Patna in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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