

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53159 of 2016

Arising Out of PS.Case No. -67 Year- 2016 Thana -DARIYAPUR District- SARAN

- =====
1. Lal Mohammad @ Lal Muhammad
 2. Dilser Mian @ Md. Dilsar Mian
 3. Diljan Mian, All sons of Rahim Mian
 4. Rukhsana wife of Lal Mohammad

All resident of village Bela Bazar, P.S. Dariyapur in the District of
Saran, Chapra

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Braj Nandan Kumar Tiwary
For the Opposite Party/s : Smt. Meena Singh(APP)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 10-01-2017 Heard learned counsel for the petitioners and learned
A.P.P. representing the State.

The petitioners apprehend their arrest in connection with
Dariyapur P.S. Case No.67 of 2016 registered for the offences
punishable under Sections 304(B)/307/498(A) and 120(B) of the
Indian Penal Code and 3/4 of Dowry Prohibition Act.

Allegedly, the daughter of the informant who was
married to Alizan was burnt by the petitioners and other F.I.R.
named accused for non-fulfillment of demand of dowry and during
treatment, she succumbed to the injury.

Submission is of false implication and that there is



general and omnibus allegation against the petitioners. The petitioner no.1 is Bhaisur, petitioner no.2 and 3 are Devars and petitioner no.4 is Gotni of the deceased. They are living separately since long from the husband of the deceased, having no concern with the family affairs of the husband of the deceased. The husband is already in custody and as such, the petitioners deserve sympathetic consideration as they have never demanded any dowry or have not taken part in the incident. As a matter of fact, deceased received burn injury during course of cooking food. She was brought to P.H.C., Dariyapur from where she was referred to P.M.C.H., Patna and during course of her treatment, she died. The informant has filed compromise petition also to this effect and as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. submits that now the informant is retracting from his earlier version.

In the facts and circumstances stated above, considering that there is no specific allegation against the petitioners and as submitted, they are living separately and as such, the petitioners above named in case of their arrest or surrender within four weeks from the date of receipt of production of the copy of this order shall be released on bail on execution of bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the



satisfaction of learned Additional Chief Judicial Magistrate 4th,
Saran, Chapra in connection with Dariyapur P.S. Case No.67 of
2016, subject to the conditions as laid down under Section 438(2)
of the Code of Criminal Procedure.

(Jitendra Mohan Sharma, J)

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