

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19842 of 2018

Arising Out of PS. Case No.-114 Year-2017 Thana- HATHAURI District- Samastipur

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1. Kapleshwar Das, Son of Late Buchan Das, Resident of Village-Dasout, Police Station-Hathauri Shivajinagar OP, District-Samastipur.
 2. Ramesh Das, Son of Kapleshwar Das, Resident of Village-Dasout, Police Station-Hathauri Shivajinagar OP, District-Samastipur.
 3. Sona Kumari, Daughter of Kapleshwar Das, Resident of Village-Dasout, Police Station-Hathauri Shivajinagar OP, District-Samastipur.
 4. Laxmi Kumari, Daughter of Kapleshwar Das, Resident of Village-Dasout, Police Station-Hathauri Shivajinagar OP, District-Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Siddhartha Prasad
For the Opposite Party/s : Smt. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-04-2018

Heard learned counsels for the petitioners and State.

The petitioners being the father, brother and unmarried sisters of the husband of the victim are apprehending arrest in a case registered for the offences punishable under Sections 304(B) and 120(B)/34 of the IPC.

The prosecution case as per the fardbeyan of Ram Udagar Das, recorded on 17.12.2017 at 10.15 AM, by A.S.I., Shivajinagar O.P., is to the effect that the daughter of the informant was married with Surendra Das, but subsequent to the marriage, further dowry demand of Rs. 10,000/- was made, as a result of which, on the instigation of Surendra Das, the son-in-



law of the informant, the in-laws family members of the victim including the petitioners throttled the daughter of the informant to death. However, in the last portion of the fardbeyan, it is claimed that further dowry demand of Rs. 50,000/- was made.

It is submitted by learned counsel for the petitioners that petitioner no.1 is the father, petitioner no.2, is the brother and petitioner nos. 3 and 4 are the unmarried sisters of the husband of the victim. The petitioners claim to be separate from the husband of the victim since long. In fact, the victim also used to reside separately from her husband and the said fact has come forth during investigation. Admittedly, the informant is not the eye-witness to the occurrence and only on suspicion, maliciously the entire in-laws have been roped in the present case. The postmortem report does not corroborate the accusation as it suggests the cause of death due to asphyxia due to hanging and ligature mark to that effect has been found by the doctor who conducted the postmortem of the victim. Hence, the postmortem report completely negates the accusation of throttling. The postmortem report also does not suggest any resisting injury, which also negates the accusation levelled in the fardbeyan. The husband of the victim filed Informatory Petition No. 660 of 2015 before learned Judicial Magistrate, 1st Class,



Rosera, as contained in Annexure-3, alleging about the stubborn and quarrelsome nature of the victim, who used to leave the matrimonial house without informing anybody. Though, the FIR does not stipulate the date of marriage, but the informatory petition, filed by the husband of the deceased suggests that the marriage was performed sometime in the year 2014, hence, the accusation of further demand of dowry of Rs. 10,000/- after about more than three years of marriage appears to be unreasonable.

It is further submitted that the husband of the victim was not present at the place of occurrence.

Learned APP, however, submits that the accusation is levelled against the entire in-laws including the petitioners.

Considering the omnibus and general nature of accusation and the thrust of accusation against the husband of the deceased, 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 ACJM-II, Rosera in connection with Hathauri P.S. Case No.114 of 2017, subject to the condition as laid down under



Section 438(2) of the Cr. P.C.

The prosecution will be at liberty to file an application for cancellation of bail of the petitioners if they fail to co-operate during investigation or regularly appear during trial.

(Dinesh Kumar Singh, J)

Amrendra/-

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