

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27374 of 2018

Arising Out of PS. Case No.-26 Year-2018 Thana- MAJHAULIA District- West Champaran

1. Birbahadur Ram, S/o Late Chekhur Ram,
2. Ramshish Ram @ Ramashish Ram, S/o Munni Ram,
3. Purnawati Devi, W/o Ramshish Ram @ Ramashish Ram,
4. Munni Ram, S/o Late Chirkut Ram,
5. Koshila Devi @ Kaushlya Devi, W/o Munni Ram,
All the Resident of Vill.- Chhota Bankat, P.S.- Majhauiliya,
District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Sri Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-05-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners, being the uncle, brother, brother's wife and
parents of the husband of the victim, are apprehending arrest in
a case registered for the offences punishable under Sections
304B, 201/ 34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written
report dated 18.01.2018 submitted by Chhatiya Devi to the
Station House Officer, Majhauilia Police Station to the effect that
the informant performed marriage of her daughter Sunita Devi
with Kishori Ram about six years prior to lodging of the present
case. Subsequent to the marriage, the daughter of the victim was
blessed with three children, but the in-laws family members,



including the petitioners, used to assault the daughter of the informant and the said fact was conveyed by the victim to the informant. On 17.01.2018, the accused persons throttled the victim to death and cremated the dead body. Subsequently, the informant came to know about the incident and went to the in-laws house of her daughter where in-laws family members conveyed that the victim died due to illness.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general. There is no accusation of demand of dowry in the FIR. Hence, no case under Section 304B of the I.P.C. is made out. Moreover, the thrust of accusation is against the husband of the victim, who is in custody. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is further submitted by learned counsel for the petitioners that subsequently the informant retracted from the initial accusation and has filed a petition to that effect, as contained in Annexure-2, before the learned Chief Judicial Magistrate, Bettiah on 16.02.2018.

It is submitted by learned APP for the State that though the victim died after six years of marriage, but accusation of torture



has been alleged against all the in-laws family members.

Considering the accusation merely based on suspicion, retracted version of the informant and the thrust of accusation against the husband of the victim, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Bettiah, West Champaran, in connection with Majhauriya P.S. Case No.26 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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