

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36999 of 2018

Arising Out of PS.Case No. -52 Year- 2018 Thana -KOPA District- SARAN

- =====
1. Deo Nath Tiwari, S/o Late Deo Tiwari,
 2. Meera Devi W/o Deo Nath Tiwari, Both R/o Vill.- Patila Ke Tola, P.S.- Kopa, District- Chapra (Saran).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Murari Mishra

For the Opposite Party/s : Mr. Sri Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 28-06-2018

Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners being the parents of the husband of the victim are apprehending their arrest in a case registered for the offences punishable under Sections 304B, 302 and 498A of the Indian Penal Code.

The prosecution case as per the written report of Jagdish Upadhyay dated 24.03.2018 submitted to the Station House Officer of Kopa Police Station is to the effect that daughter of the informant Priya Kumari was married with Bablu Tiwari, son of the petitioners, about six years prior to the lodging of the case. The victim was blessed with a female child. On



24.03.2018 informant's brother-in-law received information on his mobile that his niece died due to snake bite. When the informant and others reached to the in-laws house of the victim then he found that accused persons were going to cremate her dead body. The informant restrained them and enquired the cause of death, concerning which he was informed that she died due to snake bite. Hence, the informant suspects that the petitioners and others have killed the daughter of the informant by administering poison, as torture was inflicted from before for non-fulfillment of further demand of dowry. The victim was also tortured for the reason that she did not have a male child.

It is submitted by learned counsel for the petitioners are old ailing persons. Petitioner no. 1 is suffering from various ailments and medical prescription to that effect has been brought on record as Annexure-3. The FIR was registered on 24.03.2016, while it reached to the learned court below on 27.03.2018 which suggests that the FIR was antedated. The FIR suggests that the accusation has been levelled on the basis of suspicion. The impugned order also does not suggest any specific material being collected against the petitioners.

Learned APP, however, submits that the petitioners are named in the FIR with accusation.



Considering the fact that the thrust of accusation is against the husband of the victim, accusation is omnibus and general against the petitioners, who are old ailing persons, let the above named petitioners be released on anticipatory bail in the event of their arrest or 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 the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Kopa P.S. Case No. 52 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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