

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35817 of 2018

Arising Out of PS. Case No.-268 Year-2017 Thana- TEKARI District- Gaya

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1. Kishori Kandu @ Kishori Sao, Son of Late Shankh Sao,
 2. Kanti Devi, Wife of Shri Kishori Kandu,
 3. Sakita Devi, Wife of Shri Mantu Sao, All resident of Village Jalalpur, P.S.- Tekari, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Sri Manish Kumar 2

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 19-07-2018 Heard the learned counsel for the petitioners and the State.

The petitioners who are father-in-law and sister-in-law of the deceased respectively seek bail in anticipation of their arrest in connection with Tekari P.S. Case No. 268 of 2017 dated 27.06.2017 instituted for the offences under Sections 304B, 201 and 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The F.I.R. has been lodged by the uncle of the deceased, who has alleged that the deceased was married to one Anand Sao in the year 2012 in accordance with Hindu religious rites. However, in her matrimonial home, the deceased was not treated properly, about which she used to complain to her family



members. She was also threatened that if additional dowry by way of motorcycle and other articles were not given, the husband of the deceased would be married to some other woman. On 22.06.2017, a panchayati was also held, in which the accused persons had promised that they shall never torture the deceased. On 26.06.2017, it has been alleged that the deceased was killed by strangulating her. In the entire occurrence, it has been stated in the F.I.R., the husband of the deceased was involved. The aforesaid case was lodged by the uncle of the deceased because the father of the deceased has not been keeping good health.

Learned counsel for the petitioners has submitted that the petitioners no. 1 and 2 have three sons, all of whom stay separately with their own family. The petitioners never stayed in the same household in which the deceased and her husband lived. Investigation further revealed that because of the deceased not delivering any child, she used to remain depressed and her husband had also gone out of village for earning his livelihood. Independent persons of the area whose statements have been recorded in paragraph 41 to 43 of the case-diary have also testified to the fact that an effort was made to afford the deceased to medical treatment when she complained of stomach



pain. However, before she could be taken to hospital, she died. Not sensing any trouble, the deceased was cremated. The present case has been lodged only because the petitioners were not in the good books of the uncle of the deceased.

Regard being had to the aforesaid facts, as also taking into account the relationship of the parties, the age of petitioners no. 1 and 2 and the overall circumstances, the petitioners above-named are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Tekari P.S. Case No. 268 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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