

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.65119 of 2018**

Arising Out of PS. Case No.-22 Year-2017 Thana- MAHKAR District- Gaya

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1. Jugal Devi, W/o Ram Pravesh Singh, R/o Vill- Mirabigha, P.S.- Mahkar, Dist- Gaya.
  2. Kanju Devi, W/o Madan Singh,
  3. Rupa Devi, W/o Sarvendra Singh, Both resident of Village- Laranpur, P.S.- Muffasil, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                                         |
|--------------------------|---|---------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Ajay Kumar Sinha, Advocate<br>Miss Mayuri, Advocate |
| For the Opposite Party/s | : | Mr. Smt Renu Kumari                                     |

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      12-12-2018                      Heard Miss Mayuri, learned counsel for the petitioners and learned APP for the State.

The petitioners, being the mother and married sisters of the husband of the victim, are apprehending their arrest in a case registered for the offences punishable under Sections 30B/34 of the Indian Penal Code.

The prosecution case, as per the written report of Yogendra Singh, submitted to the Station House Officer of Gaya Police Station is to effect that the marriage between the informant's sister and Kundan Singh was performed on 20.05.2005 then she was blessed with two children, but subsequently torture was inflicted and ultimately, she was done



to death by pouring kerosene oil.

It is submitted by learned counsel for the petitioners that admitted the marriage was performed 13 years prior to the death and hence, the case does not come within the purview of Section 304B of the IPC. Moreover, there is no eye witness to the occurrence and only on suspicion, the accusation has been levelled against entire in-laws family. It is further submitted that the informant has retracted from the initial version and filed a petition to that effect before the learned Court below and similarly situated co-accused Ram Pravesh Singh has been granted bail by a coordinate Bench of this Court vide Cr. Misc. No. 42729 of 2018.

Learned APP submits that the petitioners are named in the FIR.

Considering the fact that prima facie the case does not come within the purview of Section 304B of the IPC and there is no direct accusation against the petitioners, 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 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 Additional Chief



Judicial Magistrate-IX, Gaya in connection with Mahakar P.S.  
Case No. 22 of 2017, subject to the conditions as laid down  
under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

DKS/-

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