

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62904 of 2018

Arising Out of PS. Case No.-132 Year-2018 Thana- ADAPUR

District- East Champaran

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1. Savita Devi, W/o Krishna Patel, Resident of Village- Kachorwa, P.S. Adapur, District- East Champaran.
2. Vikash Raut @ Vikas Patel, S/o Tapsi Patel.
3. Renu Devi, W/o Vikash Raut @ Vikas Patel, Both R/o Village- Mishra Tola, Ward NO. 6, P.S.- Malahi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Sri Murlidhar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 13-12-2018 The petitioners seek bail in anticipation of their arrest in connection with Adapur P.S. Case No. 132 of 2018 dated 26.05.2018 instituted for the offences under Sections 302, 201, 120(B), 34 of the Indian Penal Code.

The allegation in the F.I.R is of having killed the deceased and disposed off her dead body for non-fulfillment of dowry. However, with the aforesaid allegation in the F.I.R, the case ought to have been registered under Sections 304(B) and not under Section 302 of the Indian Penal Code.



In any view of the matter, petitioner No. 1 is the mother-in-law of the deceased whereas petitioner No. 3 is the sister-in-law of the deceased and wife of petitioner No. 2.

The learned counsel for the petitioners has drawn the attention of this Court to various paragraphs of the case diary wherein independent witnesses have stated that the deceased committed suicide in absence of her in laws. Some of the witnesses have also stated that the sister-in-law of the deceased (petitioner No. 3) was married to petitioner No. 2 long back and at the time of occurrence, petitioner No. 3 was in her matrimonial home whereas petitioner No. 2 was working at Hyderabad. Considering the whole aspect of the matter, the Police submitted charge-sheet against Krishna Patel, who is father-in-law of the deceased and Ram Pavitra Patel, who is husband of the deceased under Sections 304(B), 201, 34 of the Indian Penal Code. The investigation with respect to the petitioners and others are still pending. This fact was recorded in the case diary on 10.08.2018.

The learned counsel for the petitioners has



informed this Court that the husband of the deceased is in custody.

Considering the aforesaid facts as also taking into account that there is no specific accusation against the petitioners, the petitioners, above named, in the event of their arrest or surrender within a period of four weeks from today before the learned Court below, are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Raxaul at Motihari, East Champaran in connection with Adapur P.S. Case No. 132 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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