

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21543 of 2018

Arising Out of PS. Case No.-57 Year-2016 Thana- RAJIVNAGAR District- Patna

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1. Ramesh Chaudhary, S/o Sri Chandradeo Chaudhary,
 2. Shambhu Kumar, S/o Sri Ramesh Chaudhary, Both R/o Village-
Rajeev Nagar, Road No.-26, Ghurdaur Road, P.S.- Rajeev Nagar,
Distt.- Patna.
 3. Shiv Nandan Chaudhary @ Shiva Nandan Choudhary, S/o Late
Gulab Chaudhary, R/v Kurtha, P.S.- Kurtha, Distt.- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 28-06-2018 Heard learned counsels for the petitioners and State.

The petitioners being the father, brother and the maternal grand father of the husband of the informant are apprehending arrest in a case initially registered for the offences punishable under Sections 498(A) and 307 of the IPC and Sections 3/4 of the Dowry Prohibition Act, subsequently Sections 304(B)/34 of the IPC were also added.

The prosecution case, as per the fardbeyan of Sintu Devi, recorded by the A.S.I., Md. Shoaib on 17.02.2016 at 4:50 P.M at Emergency Ward, of P.M.C.H., is to the effect that the informant was married with Bimal Chaudhary on 17.06.2013, but subsequently, in laws of the informant used to assault the



informant for non fulfillment of further dowry demand. She was driven out from her matrimonial house thrice. It is alleged that on 15.02.2016, the in-laws of the informant including the petitioners assaulted the informant and tried to drive her out from the matrimonial house, but she went on the roof of house. On 16.02.2016 at 3 PM, the informant came down and tried to knock the door of her room when the mother-in-law, Lalo Devi opened the door and then she entered into the room. Subsequently, the accused persons came when mother-in-law, Lalo Devi poured kerosene oil and sister-in-law, Jyoti Kumari lit the match-stick, as a result, she got injured when she was taken to the PMCH.

It is submitted by learned counsel for the petitioners that thrust of accusation is against mother-in-law of the informant, Lalo Devi and sister-in-law, Jyoti Kumari. The petitioners are simply alleged to have assaulted the informant, but no medical document supporting the injury of the informant has been brought on record. Subsequently, the informant died and the case was registered under Sections 304B/34 of the IPC when the fardbeyan of the brother of the victim was recorded, who in her fardbeyan also, has not made specific accusation against the petitioners.



It is further submitted that the husband of the victim, Bimal Choudhary, sister-in-law, Jyoti Kumari and Mother-in-law, Lalo Devi have been charge sheeted, whereas the investigation has been kept pending against the petitioners, though, statement to that effect has not been made in the petition. The charge sheeted accused persons have been put on trial, wherein the informant's parents and other family members have been examined as prosecution witness but they have not supported the prosecution case, rather they have stated that the victim died due to accidental burn injury while boiling milk.

It is further submitted that the husband of the victim, Bimal Choudhary and mother-in-law of the victim, Lalo Devi have been granted regular bail by different Benches of this Court, vide Cr. Misc. Nos. 16400 of 2017 and 23493 of 2017. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR and there is specific accusation against them.

Considering the fact that the petitioners have not been sent up for trial and the informant's side have not supported the prosecution case, moreover, the husband and mother-in-law of the victim have been granted regular bail, let the above named



petitioners be released on anticipatory bail in the event of arrest/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 like amount each to the satisfaction of learned Execution Munsif cum J.M.- 1st Class, Patna in connection with Rajeev Nagar P.S. Case No. 57of 2016, subject to the condition as laid down under Section 438(2) of the Cr. P.C..

(Dinesh Kumar Singh, J)

Amrendra/-

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