

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61424 of 2018

Arising Out of PS. Case No.-40 Year-2018 Thana- MUFFASIL District- West Champaran

Kapildeo Prasad, Son of Late Mahesh Sah, Resident of Mohalla- Krishnapuri Colony, Pakhtiya Tola, Police Station- Bettiah Mofussil, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 10-12-2018 Heard learned counsels for the parties.

The petitioner, being the father-in-law of the victim is apprehending arrest in a case registered for the offences punishable under Sections 304B and 302/34 of the IPC.

The prosecution case as per the written report of Anil Kumar submitted to the SHO, Bettiah Mufassil Police Station is to the effect that the informant's sister, namely, Sangeeta Devi was married to co-accused Manoj Kumar on 1.8.2014 but the accused persons made further demand of dowry and due to non-fulfillment of the same, entire in-laws family members used to torture the victim by making assault to her and depriving her of food. On 29.1.2018 at about 4.16 P.M., co-villager of the in-laws family of the victim informed the informant about her death, whereupon, he came to the



place of occurrence and found that the victim was killed and dead body has been disposed of in the matrimonial house.

It is submitted by learned counsel for the petitioner that the thrust of accusation is against the husband of the victim and all the witnesses have mostly alleged against him. Moreover, chargesheet has been submitted only against the husband and co-accused Manoj Kumar and his mother Phulmati Devi though investigation has been kept pending against the petitioner. Statement to that effect has been made in paragraph 8 of the petition. Considering the omnibus and general accusation, wife of the petitioner has been granted regular bail by a Bench of this Court vide order dated 27.4.2018 passed in Cr. Misc. No. 25484 of 2018. The husband of the victim is in custody.

Learned APP submits that during investigation, two neighbours have been examined at paragraphs 33 and 43 of the case diary where they have alleged that the dead body was burnt inside the in-law's house. However, they have alleged that entire in-laws family members have connived in the commission of offence.

Considering the omnibus and general accusation against the petitioner and since the investigation has been kept pending and wife of the petitioner has been granted bail, let the petitioner above named be released on anticipatory bail in the event of



arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, West Champaran, Bettiah in connection with Bettiah Mufassil P.S. Case No.40 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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