

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59992 of 2018

Arising Out of PS. Case No.-19 Year-2017 Thana- AAYAR District- Bhojpur

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1. Sarju Seth Son of Late Kishun Seth
 2. Champa Devi wife of Sarju Seth
 3. Dinesh Soni Son of Sarju Seth All are resident of Village - Pandey Dihary, Police Station - Gorari, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-10-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 304(B), 201/34 of the Indian Penal Code.

Allegation is that the accused persons including the petitioners caused death of the daughter of the informant due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The petitioner No.1 is the father-in-law, petitioner



No.2 is the mother-in-law and petitioner No.3 is the husband of the deceased. The petitioners No.1 and 2 are separate in mess and property from the husband of the deceased. They have got no concern with the alleged occurrence. On behalf of petitioner No.3, it is submitted that his wife has eloped with his younger brother, namely, Akhilesh and she is residing with him. In respect of same the wife of Akhilesh has also filed a case, which is Bikramganj P.S. case No.109 of 2015. Hence no offence under Section 304(B) of the I.P.C. is made out.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R. Petitioner No.3 is the husband of the deceased.

Considering the aforesaid facts and circumstances, let the petitioners No.1 and 2, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bhojpur at Ara in connection with Ayar P.S. case No.19 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



So far the petitioner No.3, namely, Dinesh Soni is concerned, I am not inclined to grant anticipatory bail to the petitioner No.3. The same is rejected.

If the petitioner No.3 surrenders before the court below and prays for regular bail, same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

Narendra/-

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