

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47149 of 2017

Arising Out of PS.Case No. -57 Year- 2017 Thana -KALYANPUR District- SAMASTIPUR

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1. Ram Nath Mishra son of Late Nageshwar Mishra
2. Sunita Devi @ Suniti Devi wife of Ram Nath Mishra Both 1 and 2 are
Resident of Village- Tira Jatmalpur, P.S.- Kalyanpur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shaishav Kumar

For the Opposite Party/s : Mr. Sri Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 04-01-2018 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Kalyanpur P.S. Case No. 57 of 2017, disclosing offences
under Sections 304(B), 201/34 of the Indian Penal Code.

The petitioner no. 1 is the father-in-law and petitioner
no. 2 is the mother-in-law of the deceased.

Learned counsel appearing on behalf of the
petitioners has submitted that, even if, the case of the prosecution
as narrated in the First Information Report is treated to be correct,
there is no specific allegation that any demand of dowry was
made by these petitioners, though, there is omnibus allegations



against all family members. Supplementary affidavit has been filed today, bringing on record medical prescriptions to make out a case that deceased was taken to hospital for treatment before she died and, therefore, no case under Section 304(B) of the IPC is made out.

Considering the submission that there is no specific allegation against these petitioners of demand of dowry, this application is allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Kalyanpur P.S. Case No. 57 of 2017 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

(Chakradhari Sharan Singh, J)

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