

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62014 of 2018

Arising Out of PS.Case No. -68 Year- 2018 Thana -BELA District- SITAMARHI

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1. Vivek Rai, S/o Satyanarayan Rai,
 2. Dinesh Rai, S/o Satyanarayan Rai,
 3. Ram Ishwar Rai @ Ram Ishwar Rai, S/o Satyanarayan Rai, All are R/o Vill.- Manpur, P.S.- Bela , District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Sri Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 06-10-2018

Learned counsel for the petitioners is

permitted to make necessary correction in the petition.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners, being the brothers of the husband of the victim are apprehending their arrest in a case registered for the offences punishable under Sections 302 and 304B/34 of the Indian Penal Code.

The prosecution case got initiated with lodging of the written report by Deonarayan Rai to the Station House Officer, Bela P.S., is to the effect that the informant's daughter, Kavita was married with Bijali Rai about four years prior to the lodging of the case. About one year prior to the



lodging of the case, the accused persons started demanding Rs.Five lakhs as dowry and for non-fulfillment of the same, torture was inflicted on the daughter on the informant. It is further alleged that on 11.05.2018 at 2.00 P.M., the informant came to know that they have killed the informant's daughter by throttling her and have disposed of the dead body.

It is submitted by learned counsel for the petitioners that the thrust of accusation is against the husband of the victim, who is in custody. The sisters-in-law of the victim have been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 55348 of 2018 vide order dated 20.09.2018. The impugned order suggests that the post-mortem report reflects that the doctor failed to come to conclusion about the cause of the death, hence, viscera has been preserved. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR.

Considering the thrust of accusation against the husband of the victim and the accusation of throttling is not being corroborated by the medical opinion, let the above named petitioners be released on anticipatory bail in the event of arrest or



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 the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Sadar, Sitamarhi in connection with Bela P.S. Case No. 68 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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