

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52762 of 2018

Arising Out of PS. Case No.-401 Year-2017 Thana- BIHIA District- Bhojpur

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1. Suman Devi, W/o Lakshaman Yadav,
 2. Jiut Yadav @ Jeeut Yadav S/o Late Vishwanath Yadav,
 3. Sarita Devi @ Saritiya Devi @ Sirato Devi W/o Jiut Yadav @ Jeeut Yadav, All are R/o Vill.- Ramdatahi, P.S.- Bihiya, District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Rajkishore Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-10-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in connection with Bihiya P.S. case No.401 of 2017 registered under Sections 304B/34 of the Indian Penal Code, pending in the court of A.C.J.M. Vth, Bhojpur, Ara.

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. There is no other substantive evidence to suggest the implication of the petitioner in the present case nor there is any eye witness to the alleged occurrence. The petitioner No.1 is Gotani, petitioner No.2 is father-in-law and petitioner No.3 is mother-in-law of the deceased. They are separate in mess and property from the husband of the deceased.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R. The husband of the deceased has not been made accused in the present case as he was working at Gujarat at the relevant time. The onus is on the petitioners to explain the cause of death of the deceased. As per the postmortem report, the deceased is said to have died due to asphyxia and vagal stimulation – cardiac & respiratory arrest.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners. The same is rejected.

If the petitioners surrender before the court below and pray for regular bail, same shall be considered on its own merit without being prejudiced by this order.

Narendra/-

(Sudhir Singh, J)

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