

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56965 of 2018

Arising Out of PS. Case No.-79 Year-2018 Thana- MANIGACHI District- Darbhanga

-
1. Hemnarayan Mishra, S/o Late Ramnarayan Mishra, Residents of Vill.- Makranda, Bhandarso, P.S.- Manigachhi, District- Darbhanga.
 2. Mudra Kala Devi @ Mudrika Devi W/o Hemnarayan Mishra, R/o Vill.- Makranda, Bhandarso, P.S.- Manigachhi, District- Darbhanga. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prashant Sinha, Advocate
For the Opposite Party/s	:	Mr. Shyam Kumar Singh, APP
For the Informant	:	Mr. Abhay Bhushan Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 30-11-2018 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Section 304B/34 of the Indian Penal Code.

The petitioners are parents of the husband of the victim of dowry death. The victim sustained burn injury on 12.03.2018. She was carried to different Hospitals for better treatment by the petitioners and others. During the course of treatment she died on 28.03.2018 and thereafter the FIR was lodged on 26.04.2018.

Submission of the learned counsel for the petitioners is that husband is already in jail. The allegation is general and



omnibus of demand of dowry and torture for the same. However, the case-diary would reveal that witnesses have stated that the victim sustained injury while cooking food and she was carried to different Hospitals by the in-laws including the petitioners and there is no plausible explanation for non-information to the police in between 12.03.2018 the date of sustaining burn injury and the date of death on 28.03.2018.

Learned counsel for the informant submits that in the past also two incidents of torture had taken place. Petitioners were also directly involved in torture. However, after reconciliation, the matter was settled. The son of the informant, aged about four years, supported the allegation before the police.

Considering the entire facts and circumstances especially the unexplained delay in information to the police till the victim was alive, in my view, the petitioners deserve anticipatory bail. Hence, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is



pending in connection with Manigachhi Police Station Case No.79 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioners shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

(Birendra Kumar, J)

Mkr./-

U		T	
---	--	---	--

