

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70986 of 2018

Arising Out of PS. Case No.-2 Year-2018 Thana- PARSAUNI District- Sitamarhi

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1. Rajesh Ram, S/o-Late Fekan Ram
 2. Raj Kumar Ram @ Raju Ram, S/o-Late Fekan Ram
 3. Sita Devi @ Rita Devi, W/o-Late Fekan Ram
 4. Muniya Devi @ Mohni Devi, W/o-Rajesh Ram All R/o-Village-Gisara, P.S.-Parsauni, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh
For the Opposite Party/s : Mr. Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-12-2018 Heard learned counsels for the parties.

The petitioners being the elder brother, mother and brother's wife of the husband of the victim are apprehending arrest in a case registered for the offences punishable under Sections 304(B), 302 and 201 of the IPC.

The prosecution case, got initiated with the filing of the complaint case being 763 of 2017 which ultimately got registered as Parsauni P.S. Case No. 02 of 2018 after the complaint being transferred to the police under Section 156(3) of the Cr.P.C., to the effect that the daughter of the informant was married to Rakesh Ram on 19.08.2010, but she was subjected to cruelty, for non-fulfillment of dowry demand. It is



further alleged that on 28.05.2017 the informant came to know that her daughter has been killed by the accused persons on 28.4.2017 and her dead body has been disposed of.

It is submitted by learned counsel for the petitioners that the petitioners are the family members of the husband of the victim. Admittedly, the victim died after more than seven years of marriage, hence the case does not come under the purview of Section 304(B) of the IPC. As per the accusation, the informant is not eye witness, nor he claims that anybody saw the occurrence. It is further submitted that the thrust of accusation is against the husband of the victim. 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 and the informant had received the information that all the in-laws' family members have killed the victim.

Considering the fact that the admittedly neither the complaint petition nor the impugned order reflects any direct evidence collected against the petitioners, coupled with statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on anticipatory bail in the event of arrest or



surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-VI, Sitamarhi in connection with Parsauni P.S. Case No. 02 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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