

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27410 of 2018

Arising Out of PS. Case No.-126 Year-2017 Thana- BHAPATIYAH I District- Supaul

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1. Phul Kumari Devi, Wife of Raghubansh Prasad Yadav
 2. Raghubansh Prasad Yadav, Son of Nebi Yadav, Both Residents of Village - Sadanandpur, P.S. - Bhaptiyahi, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Sri Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-05-2018 Heard learned counsels for the petitioners and State.

The petitioners being the parents of the husband of the victim are apprehending arrest in a case registered for the offences punishable under Sections 304B, 201 and 120B/34 of the IPC.

The prosecution case as per the written report of Rajendra Prasad Yadav, dated 11.12.2017, submitted to the Station House Officer, Bhapatiyahi Police Station is to the effect that the informant got his daughter, Kiran Kumari married with Dilip Kumar Yadav in the year 2004 and subsequently she was blessed with two children. The daughter of the informant was being tortured for non-fulfillment of further demand of dowry of Scorpio vehicle. The daughter of the informant used to inform



that her in-laws will kill her if the Scorpio vehicle will not be provided to them. The informant tried to pacify the issue with petitioner no.1, but he did not agree to resolve the issue until further dowry demand is fulfilled. On 06.12.2017 at 10 AM, the relatives of the petitioners, Manoj Kumar Yadav and Ranjeet Kumar Yadav came to the house of the informant and informed him that his daughter has gone missing since 5 AM in the morning. Thereafter, the informant went to in-laws house of his daughter where he was informed that she had gone missing, hence, the informant suspected that his daughter has been killed.

It is submitted by learned counsel for the petitioners that thrust of accusation is against the husband of the victim. As per the own admission of the informant, the marriage of the victim was performed about 13 years prior to the lodging of the present case and moreover, death of the victim is absolutely doubtful, hence in both circumstances, the case does not come within the purview of Section 304B of the IPC. The impugned order reflects that during investigation, the police has collected call detail report of the informant's mobile when it was found that much after she went missing, she talked to her husband.

Learned APP submits that the petitioners are named in



the FIR and there is specific accusation against the petitioners.

Since the marriage of the victim was performed 13 years prior to the occurrence and it appears that the victim's death is not ascertained by the investigating agency and considering the delayed lodging of the case, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Bhaptiyahi P.S. Case No. 126 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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