

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13357 of 2019

Arising Out of PS. Case No.-384 Year-2018 Thana- HARNAUT District- Nalanda

1. Kavita Devi, Wie of Mithilesh Bind, Resident of Village - Harnaut Telmar, P.S.- Telmar, Distt - Nalanda.
2. Mithilesh Bind, Son of Prasad Bind, Resident of Village - Harnaut, Telmar, P.S.- Telmar, Distt - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar

For the Opposite Party/s : Mr. Pancha Nand Pandit

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 06-03-2019 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners, being the brother and brother's wife of the husband of the daughter of the informant are apprehending arrest in a case registered for the offences punishable under Sections 304B, 201 and 34 of the Indian Penal Code.

The prosecution case as per the written statement of Ratan Bind dated 14.11.2018, submitted to the S.H.O., Telmar P.S. is to the effect that the daughter of the informant namely, Mina Devi was married with co-accused, Akhilesh Bind @ Duldul



Bind, six years prior to lodging of the present case. It is further alleged that on 14.11.2018, the informant received an information that his daughter has been killed by the all in-law family members, including the petitioners.

It is submitted by learned counsel for the petitioners that even assuming the accusation to be true, no offence under Section 304B of the IPC is made out against the petitioners, as there is no accusation of demand of dowry immediately before death and inflicting torture due to non-fulfillment of the same. It is further submitted that the thrust of accusation is against the husband of the victim and during investigation it transpired that due to some strained relations with her husband, she committed suicide. Moreover, the husband of the victim is in custody since 19.11.2018. A statement has been made in paragraph no.3 of the petition that the petitioners are not having criminal antecedent.

It is submitted by learned APP for the State that the petitioners are named in the FIR.

Considering the fact that the thrust of accusation is against the husband of the victim and the accusation does not suggest any torture inflicted upon the victim for non fulfillment of immediate dowry demand prior to the death of the victim, coupled with the statement made in paragraph no.3 of the



petition that the petitioners are not having any criminal antecedent, 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 12 weeks from today, 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 **C.J.M., Nalanda at Biharsharif** in connection with **Harnaut (Telmar) P.S. Case No.384 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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