

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20980 of 2019

Arising Out of PS. Case No.-348 Year-2018 Thana- BAHERA District- Darbhanga

1. MAHENDRA MUKHIYA @ MAHENDRA SAHNI @ MAHINDRA SAHNI AND ORS Son of Dhukhi Mukhiya @ Dhukhi Sahni R/o village- Murtujapur, P.S.- Bahera, District- Darbhanga
2. Shanti Devi Wife of Mahendra Mukhiya @ Mahendra Sahni R/o village- Murtujapur, P.S.- Bahera, District- Darbhanga
3. Shambhu Mukhiya @ Shambhu Sahni Son of Mahendra Mukhiya @ Mahendra Sahni R/o village- Murtujapur, P.S.- Bahera, District- Darbhanga
4. Manoj Mukhiya @ Manoj Sahni Son of Mahendra Mukhiya @ Mahendra Sahni R/o village- Murtujapur, P.S.- Bahera, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha
For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 04-04-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Bahera P.S. Case NO. 348 of 2018, disclosing offences under Sections 304B/34 of the Indian Penal Code.

The petitioner No.1 is the father-in-law and petitioner No.2 is mother-in-law of the deceased. The petitioner Nos. 3 and 4 are brothers of the husband of the deceased.

Learned counsel for the petitioners, referring to the allegation in the First Information Report, has submitted that there is no allegation of demand of dowry, which can be said to be the cause of the death of the deceased. He has submitted that no offence under Section 304B of the



Indian Penal Code can be said to be made out on the basis of what has been alleged in the First Information Report. He also contends that these petitioners have been implicated only because they are related to the husband of the deceased.

I find substance in the submission made on behalf of the petitioner. This application is allowed.

Let the petitioners above named in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail 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 Additional Chief Judicial Magistrate, Benipur in Bahera P.S. Case No. 348 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

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(Chakradhari Sharan Singh, J)

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