

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23598 of 2019

Arising Out of PS. Case No.-802 Year-2010 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. PANKAJ KUMAR, aged about 40 years(Male), Son of Sundeshwar Kumar
 2. Sundeshwar Kumar, aged about 69 years(Male), Son of Jwala Singh
 3. Anu Devi @ Aruna Devi, aged about 65 years(Female), Wife of Sundeshwar Kumar
- All resident of Village-Panapur, P.S-Kanti, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Birendra Prasad Dubey, son of Late Jagdish Dubey, resident of village-Pipra Asli, P.S. Sahebganj, At present residing at Hathi Chowk Chakbaso, P.S. Mithanpura, District-Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur
For the Opposite Party/s : Mr.B.N.Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 12-04-2019 Heard both sides.

The petitioners apprehend their arrest in Complaint Case No.802 of 2010 registered under Section 304(B) and other Sections of the Indian Penal Code.

The complainant is the father of the deceased. The complainant alleged that he solemnised marriage of his daughter with petitioner No.1 on 27.01.2008 and his daughter went to her sasural but her husband and other in-laws were torturing his daughter. His daughter died on 27.03.2010.

The learned counsel for the petitioners submits that



complainant was informed about the death of his daughter and complainant came. The daughter of the complainant died due to illness. After filing of the complaint petition, a report was called for from the police. The police reported that after death of the daughter of the complainant, the complainant participated in the funeral and did not lodge the case. Later on, complainant filed complaint petition. It is further submitted that complaint petition was dismissed in the year 2015. The complainant moved in revision and the order dismissing the complaint petition was set aside. Thereafter, prima facie case under Section 304(B) and other Sections of the I.P.C. was taken. Petitioners are husband, mother-in-law and father-in-law of the deceased. There is no material on record to show that petitioners ever subjected the deceased to any sorts of torture or deceased died unnatural death rather the police report shows that deceased died on account of her illness.

Taking into consideration the facts aforesaid, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of



Sri Nayan Kumar, learned Judicial Magistrate 1st Class,
Muzaffarpur in connection with Complaint Case No.802 of
2010, Trial No.3094/2018, subject to the conditions as laid
down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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