

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10205 of 2019

Arising Out of PS. Case No.-1483 Year-2018 Thana- SASARAM NAGAR District- Rohtas

1. Sabita Devi @ Sabita Kumari, Wife of Kameshwar Prasad Resident of Village - Ambedkar Nagar Path, Takiya Bazar Samiti, P.S.- Sasaram (Model), Distt- Rohtas (Sasaram)
2. Kishan Kumar, Son of Kameshwar Prasad Resident of Village - Ambedkar Nagar Path, Takiya Bazar Samiti, P.S.- Sasaram (Model), Distt- Rohtas (Sasaram)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 19262 of 2019

Arising Out of PS. Case No.-1483 Year-2018 Thana- SASARAM NAGAR District- Rohtas

CHANDAN KUMAR Son of Kameshwar Prasad Gupta @ Kameshwar Prasad Resident of Ambedkar Nagar Path, Takiya Bazar Samiti, P.O. and P.S.- Sasaram (Model), District - Rohtas (Sasaram)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 10205 of 2019)

For the Petitioner/s : Mr. Chhotelal Mishra

For the Opposite Party/s : Mr. Md. Matloob Rab

(In CRIMINAL MISCELLANEOUS No. 19262 of 2019)

For the Petitioner/s : Mr. Rajesh Kumar Mishra

For the Opposite Party/s : Mr. Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 20-06-2019 As both the petitions have cropped up from the same

P.S. Case, hence aforesaid two petitions are being disposed of

by this common order.

Heard learned counsel for the petitioners and the



learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Sasaram (Model) P.S. Case no. 1483 of 2018, registered under Sections 304B and 120B of the Indian Penal Code.

Petitioner Sabita Devi who happens to be mother-in-law, Kishan Kumar brother-in-law and Chandan Kumar husband of the deceased are said to have made dowry demand and neglected the treatment of the daughter of the informant who was pregnant and bleeding. When the condition of the daughter of the informant became precarious, they got her treated with a quack. Later on, on getting information the informant rushed to hospital. Deceased gave birth to a female child in the hospital but finding her condition precarious she was referred to Varanasi but she succumbed to her bleeding.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners never made any dowry demand nor ever tormented the deceased. As a matter of fact, the deceased was pregnant and on labour pain she was rushed to hospital where she gave birth to a female child but due to hemorrhage and bleeding she has died. Petitioners have not committed any offence. It is



further submitted that petitioner no.2 is residing at Delhi to pursue his study. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. None of the family members of in-laws was informed about bleeding by the deceased preceding to her delivery. No offence under Section 304B is made out against the petitioners as it is not disclosed as to what article was demanded in dowry.

On the other hand, learned APP for the State opposing the bail petition submitted that due to utter negligence and carelessness of the petitioners and not providing adequate treatment to the deceased, she has died due to access bleeding. Hence petitioners do not deserve bail.

As the petitioners Sabita Devi and Kishan Kumar happen to be mother-in-law and brother-in-law respectively of the deceased and the allegation levelled against them is not specific rather general and omnibus in nature, hence let the petitioners Sabita Devi and Kishan Kumar, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six 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., Rohtas, Sasaram in connection with Sasaram (Model) P.S. Case



No. 1483 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

As the petitioner Chandan Kumar happens to be the husband of the deceased and it is the liability of the husband to take all care of his pregnant wife and provide adequate treatment to her in time, I am not inclined to enlarge the petitioner Chandan Kumar on bail. His prayer for bail is rejected.

However, petitioner Chandan Kumar is directed to surrender before the learned court below within six weeks and seek regular bail and the learned court below shall dispose of the bail petition on the very date of the surrender of the petitioner in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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