

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23981 of 2019

Arising Out of PS. Case No.-244 Year-2018 Thana- MAHISHI District- Saharsa

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1. MAMTA DEVI D/o Gunjan Rajak Resident of Village - Lakhni, P.s.- Mahishi, Distt.- Saharsa.
 2. Subodh Paswan Son of Bhubneshwar Paswan Resident of Village - Lakhni, P.s.- Mahishi, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Mishra
For the Opposite Party/s	:	Mr.Ramchandra Singh
For the informant	:	Mr. Satish Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 22-08-2019 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant.

The petitioners seek bail in a case instituted for the offences under Sections 304B and 494 of the Indian Penal Code but later on section 302 IPC was added.

Allegation against the accused persons is of committing torture and thereafter caused death of the victim due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 3.12.2018 and 24.11.2018 respectively and have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the



petitioners. Charge-sheet has been submitted in the present case. The petitioners have falsely been implicated in the present case. The witnesses in paragraphs 9, 10, 18 and 43 of the case diary have stated that the deceased is said to have committed suicide. Hence, it is not a case for offence under section 304B IPC. At best, it is a case for offence under Section 306 IPC.

On behalf of the State and the informant, it is submitted that the petitioners are named in the F.I.R./complaint case. The petitioner no. 2 is husband of the deceased.

Considering the facts, the provisional bail granted to the petitioner no. 1 namely Mamta Devi vide order dated 22.05.2019 is hereby confirmed.

Further petitioner no. 2 namely Subodh Paswan is also directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Saharsa in connection with Mahisi P.S. Case No. 244 of 2018.

Pankaj/-

(Sudhir Singh, J)

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