

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23312 of 2019

Arising Out of PS. Case No.-76 Year-2018 Thana- BAJPATTI District- Sitamarhi

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1. Kaushal Mishra (M) aged about 48 years, Son of Laxmi Kant Mishra Resident of Village-Ratwara, P.S-Bajpatti, District-Sitamarhi.
 2. Santosh Mishra (M), aged about 19 years, Son of Kaushal Mishra, Resident of Village-Ratwara, P.S-Bajpatti, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None
For the State : Mr. Md. Arif, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 16-07-2019

Nobody appears on behalf of the petitioners. Learned App for the State has been heard. He has assisted the Court on the basis of the case diary.

2. The petitioners apprehend arrest in connection with Bajpatti P.S. Case No. 76 of 2018 dated 08.04.2018 instituted under Sections 304(B)/34 of the Indian Penal Code.

3. The allegation against the petitioners and three others is of killing the wife of their brother.

4. From the FIR, it appears that there is general and omnibus allegation of demand of dowry, especially against the petitioners as the same is specifically against the husband.



5. Learned APP also fairly submitted that besides there being general and omnibus allegation against the petitioners the witnesses also have not specifically stated with regard to any overt act on the part of the petitioners, either in the torture or so called killing of the deceased. On a query of the Court, learned APP submitted that the postmortem report shows cause of death due to asphyxia as a result of hanging by rope like substance, but no other injury, either external or internal on the body.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sitamarhi in Bajpatti P.S. Case No. 76 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J.)

P. Kumar

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