

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33205 of 2019

Arising Out of PS. Case No.-395 Year-2018 Thana- MAJORGANJ District- Sitamarhi

1. Mantoria Devi Wife of Umesh Rai Resident of Village - Harpur Pipra, P.S.- Majorganj, District- Sitamarhi
2. Rinku Devi Wife of Radhey Shyam Rai Resident of Village - Harpur Pipra, P.S.- Majorganj, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Jha
For the State	:	Mr. Shantanu Kumar, APP
For the Informant	:	Mr. Uday Kumar

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

6 15-11-2019 Viscera report of the deceased received in sealed cover was opened before the Court.

Office is directed to send the aforesaid viscera report to the learned court below in sealed cover.

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners apprehend their arrest in connection with Majorganj (Suppi O.P.) P.S. Case No. 395 of 2018 registered for the offence punishable under Sections 304(B)/34 of the Indian Penal Code.

Petitioners along with their family members are said to have committed dowry death of sister of the informant by thrashing her.

It is submitted by learned counsel for the



petitioners that the petitioners have no concern with the aforesaid occurrence. They have been falsely implicated in this case. They have neither made any demand of dowry nor ever thrashed the deceased. Allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioner no. 1 happens to be mother-in-law while petitioner no. 2 sister-in-law (Gotni) of the deceased. As a matter of fact, the deceased was suffering from cardiac problem and on falling her condition serious, the matter was informed by father-in-law of the deceased to the informant and the deceased was rushed to hospital but, she succumbed to her ailment. Dr. of Prashant Memorial Charitable Hospital, Muzaffarpur has given death certificate to the effect that the deceased has died due to cardio pulmonary arrest. Number of witnesses in the case diary have unanimously stated that the deceased was suffering from ailment and her in-laws used to accord her proper treatment. On falling her condition serious, the deceased was rushed to the hospital on Ambulance but, she succumbed to her ailment. Though, doctor conducting autopsy of the cadaver of the deceased has found only one swelling over left side neck and one bruise on the chest but, he has also found trachea, thoracic cage intact and no internal injury. Cause of death has not been



opined by the doctor rather opinion reserved subject to viscera report, and on chemical examination of the viscera of the deceased, No Metallic, Alkaloidal, Glycosidal, Pesticidal and Volatile Poison could be detected in it, hence, the petitioners may be enlarged on bail.

On the other hand, learned APP for the State and learned counsel for the informant opposing the bail prayer of the petitioners submitted that the petitioners along with their family members have eliminated the deceased over dowry demand, hence, they do not deserve bail.

In the facts and circumstances of the case, let the above named petitioners 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 learned C.J.M. Sitamarhi in connection with Majorganj (Suppi O.P.) P.S. Case No. 395 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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