

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31406 of 2019

Arising Out of PS. Case No.-580 Year-2018 Thana- ALAMGANJ District- Patna

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1. PINTU CHOUDHARY Son of Late Ramashish Choudhary Resident of Village - Tulsi Mandi, P.S.- Alamganj, District- Patna
 2. Dhanwanti Devi @ Dhanwati Devi Wife of Late Ramashish Choudhary Resident of Village - Tulsi Mandi, P.S.- Alamganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harsh Singh

For the Opposite Party/s : Mr.Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 10-05-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Alamganj P.S. Case No. 580 of 2018, registered for the offence punishable under Section 304 (B) of the Indian Penal Code.

Petitioners happens to be husband and mother-in-law of the deceased. They are said to have committed dowry death of the deceased within one year of the marriage.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have no concern with the aforesaid occurrence. They have been



falsely implicated in this case. There is no allegation of demand of dowry against the petitioners in the fardbeyan. Filing medical prescription vide Annexure-2 it is further submitted that, the deceased was suffering from psychiatric ailment and she was under treatment of her ailment since before marriage and even after marriage the petitioner No.1 accorded her treatment and out of the aforesaid psychiatric problem she suo motu committed suicide by hanging herself from ceiling. As per fardbeyan itself the petitioner No.1 had informed the family members of the informant regarding the occurrence. Hence, they deserve bail.

On the other hand, learned A.P.P. for the State vehemently opposinh the bail petition submitted that the petitioner No.1 happens to be the husband of the deceased so entire liability is on the husband to take care of the deceased. Hence, he does not deserve bail.

Considering the facts and circumstance of the case, I am not inclined to enlarge the petitioner no.1 on bail. The prayer for bail of the petitioner No.1 is hereby rejected. However, Petitioner no.1 is directed to surrender before the learned Court below within six weeks from today and seeks regular bail and the learned court below would pass order in accordance with



law without being prejudiced by this order on the very date of filing of the bail petition by the petitioner no.1.

However, considering the facts and circumstances of the case and as petitioner no.2, happens to be the mother-in-law of the deceased she be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Patna City, in connection with Alamganj P.S. Case No.580 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, this petition is disposed of.

(Prakash Chandra Jaiswal, J)

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