

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36098 of 2019

Arising Out of PS. Case No.-745 Year-2018 Thana- BARACHATTI District- Gaya

1. Lal Mohammad, Son of Late Jamdali Mian, Resident of Village-Chorneema, Sagarpur, P.S.-Barachatti (Mohanpur), District-Gaya.
 2. Mehrun Khatoon @ Nuraisha Khatoon W/o Lal Mohammad, Resident of Village-Chorneema, Sagarpur, P.S.-Barachatti (Mohanpur), District-Gaya.
- Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Sanjay Kumar Sharma, Advocate
For the State : Mr. Ajay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

6 16-11-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with Barachatti (Mohanpur) P.S. Case No.745 of 2018 registered for the offence punishable under Section 304B read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that the petitioners are father-in-law and mother-in-law of the informant aged about 84 and 74 years respectively. The husband of the victim had informed the mother of the victim on 24.11.2018 itself regarding death of her daughter due to hanging. Her mother came and lodged *sanha* wherein she has categorically stated that her daughter being of unsound mind since long had committed suicide. However, after two days of the occurrence, she changed her opinion and filed the instant



case under Section 304B of the Indian Penal Code alleging that the victim was being subjected to cruelty for non-fulfilment of demand of dowry Rs.5,00,000/- as dowry. He has further contended that in course of investigation also, several witnesses have stated the petitioners had no role in death of the deceased and the deceased committed suicide as she was mentally weak.

Learned counsel appearing for the State has admitted that in course of investigation in paragraph nos. 9, 10, 11 and 12 independent witnesses have also stated that the victim was of unsound mind and had committed suicide.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender in the court below within a period of six weeks, the petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Barachati (Mohanpur) P.S. Case No.745 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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