

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33131 of 2018

Arising Out of PS. Case No.-156 Year-2017 Thana- KOTWA District- East Champaran

1. Basanti Devi Wife of Bhuna Sah
2. Urmila Devi Wife of Bigu Sah Both are Resident of Village- Bajhiya khurd,
P.S. KotwaBhopatpur O.P, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh

For the Opposite Party/s : Mr.Smt. Asha Devi

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 11-03-2019 Heard learned counsels for the parties.

The petitioners being mother and aunt of the husband of the victim are apprehending arrest in a case registered for the offences punishable under Sections 304B/34 of the IPC and Sections 3 and 4 of Dowry Prohibition Act.

The prosecution case as per the written report of Bindeshwari Sah submitted to the SHO, Bhopatpur OP, Kotwa Police Station is to the effect that the marriage of the daughter of the informant namely, Antima Devi was performed with co-accused Krishna Sah in 2013. Subsequently, she was blessed with female child but the child could not survive. Thereafter, it is alleged that the in-law family members used to inflict torture upon the victim for non-fulfillment of dowry demands. On 18.8.2017, the informant received information that his daughter



has been killed by her in-law family members, then he reached to the house of in-laws of his daughter and found that the dead body of his daughter is lying under the bed with serious burn injuries.

It is submitted by learned counsel for the petitioner that the accusation against the in-law family members is omnibus and general and the petitioners are aged persons. It is further submitted that there is no specific accusation against the petitioners and the same has been levelled after four years of marriage which appears to be unreasonable. Moreover, there is no eye witness to the occurrence.

Learned APP, after going through the case diary, submits that though there is no eye witness to the occurrence but the death of the informant's daughter has occurred within seven years of marriage of the victim and there is accusation of inflicting torture due to non-fulfillment of dowry demands immediately prior to the death of the victim.

Considering the fact that the thrust of accusation is against the husband of the victim, the investigation agency has not recorded any eye witness account of the occurrence and the petitioners being ladies, coupled with the fact that the petitioners are not having any criminal antecedent, let the petitioners above named be



released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM X, East Champaran, Motihari in connection with Kotwa (Bhopatpur OP) P.S. Case No. 156 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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