

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59597 of 2018

Arising Out of PS. Case No.-376 Year-2018 Thana- ALAMGANJ District- Patna

1. Paras Mahato, S/o Late Muneshwar Mahato,
2. Golam Kumar @ Gulam Kumar Singh, S/o Sri Parasa Mahato,
3. Sushil Kumar S/o Sri Paras Mahato,

All R/o Mohalla- Bari Patandevi Golony (wrongly mentioned in the F.I.R. Nageshwar Colony), P.S.- Alamganj, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Kumar

For the Opposite Party/s : Mr.Sri Asharaf Ansari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 09-04-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners, being the father and brothers of the husband of the victim, are apprehending their arrest in a case registered for the offences punishable under Sections 304B, 323, 504 and 506 of the Indian Penal Code.

The prosecution case, as per the written report of Gita Devi dated 17.07.2018 submitted to the Station House Officer of Alamganj Police Station, is to the effect that the daughter of the informant was married with co-accused Gyandeep Kumar in the year 2013 but after the marriage she was subjected to torture for



non-fulfillment of further dowry demand of a motorcycle. On 17.07.2018 at 11.00 A.M. the neighbour of the informant informed that the daughter of the informant was seriously ill but when the informant went to the in-laws' house of her daughter she found her dead.

It is submitted by learned counsel for the petitioners that the thrust of accusation is against the husband of the victim, who has been granted custody default bail under Section 167(2) of the Cr.P.C. There is omnibus and general accusation against all the in-laws family including the petitioners. The petitioners claim to be separate from the husband of the victim.

Learned APP after going through the case diary submits that there is omnibus and general accusation against all the in-laws family members. However, cause of death has not been disclosed by the doctor. Though, postmortem report does not reflect any external or internal injury hence, the viscera has been preserved. The case diary does not contain the FSL report.

Considering the thrust of accusation against the husband of the victim, the postmortem report did not reflect any external or internal injury and accusation not being corroborated by medical opinion, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the



learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Patna City, Patna in connection with Alamganj P.S. Case No. 376 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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