

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49103 of 2019

Arising Out of PS. Case No.-298 Year-2018 Thana- SIKANDRA District- Jamui

1. GIRIJA DEVI @ GIRJA DEVI Wife of Suresh Yadav Resident of Village - Pachmahua, P.S.- Sikandra, Distt - Jamui
2. Seema Kumari @ Seema Devi @ Sima Devi Wife of Bijai Yadav Resident of Village - Maniyadda, P.S.- and Distt - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Prakash

For the Opposite Party/s : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 16-11-2019 Heard learned counsel for the parties.

Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 323, 341, 498A, 304b/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

Informant is the Mother of deceased who filed a complaint case in the court of Chief Judicial Magistrate, Jamui giving rise to Complaint Case No. 868C of 2018 under Sections 323, 341, 498A, 304B/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act, alleging therein that the marriage of her daughter Puja Kumari was solemnized on 09.05.2017 according to hindu rites and customs with the son of petitioner



no. 1 Santu Yadav, in which gifts and cash were given to her in-laws. She kept her properly for 8 months but thereafter her husband Santu Yadav and petitioners started torturing her for non fulfillment of demand of dowry and she was assaulted on 10.01.2018 by her in-laws. It is further alleged that during treatment her daughter died on 09.06.2018 in Sadar Hospital, Jamui and thereafter she was cremated. The police did not register her case as such she filed the present complaint case on 30.06.2010 i.e. almost 20 days of the occurrence.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case. Petitioner no. 1 is Mother-in-Law and petitioner no. 2 is Sister-in-Law of the deceased. It has been further submitted that the deceased died while she was suffering from brain fever in the hospital during treatment. The deceased was admitted in the hospital on 08.06.2018 with complain of Altered Sensorium and high fever. No sign of any assault was found on her body and she was advised blood transfusion and further she was referred to Neuro Physician for which the local doctors referred her to PMCH but she was not taken to PMCH and died on 09.06.2018 due to convulsion.

Considering the aforesaid facts and circumstances of the



case, let the petitioners named above be released on anticipatory bail in the event of their arrest or surrender before the court below within a period of four weeks from today upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Sikandra P.S. Case No. 298 of 2018**, subject to the conditions laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the court below.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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