

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47478 of 2019

Arising Out of PS. Case No.-107 Year-2019 Thana- SAUR BAZAR District- Saharsa

1. NARSINGH SHARMA Son of Late Rashik Sharma Resident of Village - Pipra, Ward No. 02, P.S.- Saur Bazar (Patarghat O.P.), District - Saharsa.
2. Aklesh Sharma Son of Narsing Sharma Resident of Village - Pipra, Ward No. 02, P.S.- Saur Bazar (Patarghat O.P.), District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 01-10-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Sour Bazar (Patarghat O.P.) P.S. Case No. 107 of 2019, disclosing the offence under Sections 304-B/34 of the Indian Penal Code.

Petitioner no. 1 is father-in-law of the deceased and petitioner no. 2 is elder brother of the husband of the deceased.

Learned counsel appearing on behalf of the petitioners referring to the First Information Report has submitted that according to the informant himself there was some dispute between the deceased and her husband, a co-accused. He has submitted that there is absolutely no allegation of demand of dowry at any point of time in the FIR and,



therefore, no offence under Section 304-B of the IPC can be said to be made out.

I find substance in the submission so advanced on behalf of the petitioners that in the absence of allegation of demand of dowry no offence under Section 304-B of the IPC can be said to be made out. This application is, therefore, allowed. Let the petitioners, above-named, in the event of their arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each, to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in Sour Bazar (Patarghat O.P.) P.S. Case No. 107 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/ Court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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