

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47640 of 2019

Arising Out of PS. Case No.-81 Year-2019 Thana- RAJPUR District- Buxar

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1. JAGDISH SINGH Son of Late Harvansh Singh Resident of Village - Rampur, P.S.- Rajpur, Distt - Buxar.
 2. Radhika Devi Wife of Jagdish Singh Resident of Village - Rampur, P.S.- Rajpur, Distt - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
Mr. Rahul Nath
For the Opposite Party/s : Mr. Anil Kr. Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 31-07-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Rajpur P.S. Case No. 81 of 2019, disclosing the offence, punishable under Section 304(B), read with Section 34 of the Indian Penal Code.

Petitioner no.1 is the father-in-law and petitioner no.2 is the mother-in-law of the deceased, who is said to have died because of poisoning.

Learned counsel for the petitioners has submitted that no offence under Section 304B of the IPC can be said to be made out, even if the allegation made in the FIR is treated to be true, in the absence of any allegation of demand of dowry. The



allegation that the petitioners administered poison, has no basis at all and even the suspicion expressed in the FIR is motivated.

Learned counsel, appearing on behalf of the informant, has vehemently opposed the prayer for grant of anticipatory bail and submitted that the in-laws of the deceased were putting pressure on the deceased for transferring the land belonging to the informant in her favour and when she failed to do so, she was put to death.

I find substance in the submission made on behalf of the petitioners that no offence under Section 304B of the IPC is made out, on the basis of what has been alleged in the FIR, as there is no allegation of demand of dowry. The allegation that the accused persons administered poison appears to be on assumption only.

This application is accordingly 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 ACJM-VII, Buxar in connection with Rajpur P.S. Case No. 81 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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