

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71862 of 2019

Arising Out of PS. Case No.-388 Year-2018 Thana- NAUGACHIA District- Bhagalpur

1. MOST MAYA DEVI, Female, aged about 59 years, Wife of Late Kanik Pandit,
2. Bhivishan Pandit, Male, aged about 28 years, Son of Late Kanik Pandit,
3. Jyotish Pandit, Male, aged about 39 years, Son of Late Kanik Pandit,
All are Residents of Village - Navtolia, P.S.- Gopalpur, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv.

For the Opposite Party/s : Mr.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-11-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Section 304 (B)/328/201/120(B)/34 of the Indian Penal Code and 3, 4 of the Dowry Prohibition Act.

Prosecution case is that the informant gave his fardbeyan before the S.H.O. of Naugachia P.S. stating therein that he had got married his daughter namely Nitu Kumari with Binchun Pandit six months ago. After lapse of some times his son in law and his mother namely Maya Devi, brother Bibhishan Pandit and Jyotish Pandit (the petitioners) started



demanding Rs. 50,000/- as dowry. It was informed to him by his daughter Nitu. On which Nitu expressed them that her father is a poor person and from where he shall fulfill the dowry demand. On this the accused persons stated her that in case of non fulfillment of dowry demand they shall kill her and shall marry with another girl. It is also of alleged that on 15.11.2018 it was informed by the relatives of his daughter that Nitu Kumari has died. It is also alleged that on this information they reached the house of his daughter and asked about Nitu on which they stated that Nitu has died and her dead body has been thrown in Koshi River.

Learned counsel for the petitioners submits that the co-accused, husband of the victim namely Binchun Pandit was in jail custody and the trial was proceeded against co-accused Binchun Pandit in S.T. No. 63/2019 vide order dated 20.06.2019 was acquitted from all the charges leveled against him.

Learned counsel for the petitioners further submits that the petitioner no.1 is mother-in-law and petitioner nos. 2 and 3 are dewar of the victim Nitu Kumari and they were residing along with their son and brother and they have not concerned with the affairs of his son and brother. Husband of the petitioner is in jail and investigation is going on against him.



In the aforesaid facts and circumstances, I am not inclined to enlarge the petitioners on bail. Accordingly, the prayer for bail of the petitioners are rejected in connection with Naugachia P.S. Case No. 388 of 2018 from the Court of learned IIIrd Additional District and Sessions Judge, Naugachia in the District- Bhagalpur.

Accordingly, the application is dismissed.

However, petitioners are directed to surrender before the learned court below and make prayer for bail, the learned court below shall dispose of the bail petition on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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