

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54479 of 2019

Arising Out of PS. Case No.-48 Year-2019 Thana- BHAGWANGANJ District- Patna

1. RAJEEV MISHRA, aged about 40 years, Male, Son of Late Anandi Mishra, Resident of Village- Basaur, Police Station- Bhagwanganj, District- Patna
2. Gyanti Devi @ Malti Devi, aged about 38 years, Female, Wife of Rajeev Mishra, Resident of Village- Basaur, Police Station- Bhagwanganj, District- Patna ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners	:	Mr. Jai Shanker Prasad, Adv.
For the State	:	Mr. Nitya Nand Tiwary, APP
For the Informant	:	Mr. Niranjana Parihar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 16-11-2019 Heard learned counsel for the petitioners, the learned counsel for the informant and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Bhagwanganj P.S. Case No. 48 of 2019 registered under Section 304B and 34 of the Indian Penal Code.

The accusation is that marriage of the sister of the informant, namely, Muskan, was performed with Shyam Kishore Mishra and his family members used to torture his sister due to non-fulfillment of demand of dowry and several times she was removed from matrimonial house regarding which Bhagwanganj P.S. Case No. 103 of 2018 was instituted. On 24.05.2019, Shyam Kishore Mishra (husband of Muskan),



Anandi Mishra, Meena Devi, Rajiv Mishra (petitioner no. 1) and Gyanti Devi (petitioner no. 2) assaulted the sister of the informant and sprinkled kerosene oil, thereafter, the villagers informed the informant on mobile and he reached there giving information to Bhagwanganj Police Station and her post mortem examination was done and last right taken place.

The learned counsel for the petitioners submits that in fact due to quarrel in between Muskan, sister of the informant, and her husband, Shyam Kishore Mishra, sister of the informant used to left the matrimonial house and returned after passing over much time. Earlier she had left the house after quarreling with her husband, thereafter, informant lodged the Bhagwanganj P.S. Case No. 103 of 2018 under Sections 304B, 201 and 34 of the Indian Penal Code against petitioners and others, but, again, Muskan, sister of the informant, returned at her matrimonial house in which her statement was recorded under Section 164 of the Criminal Procedure Code in which she admitted that due to quarrel with her husband, she left the house. Further, submission is that the petitioners are brother-in-law and sister-in-law and are living separately at Patna, but, with ulterior motive they have falsely been implicated in this case. More over, husband of the deceased is in custody.



Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Bhagwanganj P.S. Case No. 48 of 2019 shall be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Sri B.N. Tripathi, Judicial Magistrate, Masaurhi, Patna, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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