

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59181 of 2019

Arising Out of PS. Case No.-234 Year-2019 Thana- NATHNAGAR District- Bhagalpur

1. Vivek Raj @ Khatra, Son of Raj Kumar Yadav, Resident of Village-Ghoshi Tola, Nathnagar, Police Station-Nathnagar, District-Bhagalpur.
2. Nitesh Raj @ Nanki, Son of Raj Kumar Yadav, Resident of Village-Ghoshi Tola, Nathnagar, Police Station-Nathnagar, District-Bhagalpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Syed Masleh Uddin Ashraf, Advocate
For the Opposite Party	:	Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Nathnagar P.S. Case No.234 of 2019 for the offences punishable under Sections 302, 494 and 304B of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that the petitioners are younger brothers of the husband of the deceased Meena Devi. They are separate in mess and business and have no concern with the day-to-day affairs of their brother Sachin Yadav with whom the deceased was married. They never demanded any dowry nor tortured the deceased for non-fulfilment of the alleged demand. He has



further contended that the deceased committed suicide by hanging herself. The autopsy report would also suggest that there was no ante mortem injury on any other part of the body except neck over which constriction was found, which was due to hanging. He contended that under any circumstance there would be no application of Section 304B of the Indian Penal Code, as the death has admittedly taken place after more than seven years of marriage.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioners. However, after going through the case diary, he admitted that certain independent witnesses have stated under Section 161 of the Code of Criminal Procedure that the petitioners were not living together with the deceased or her husband.

Considering the submissions made at the Bar, in the event of arrest or surrender in the court below within a period of six weeks, the petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Nathnagar P.S. Case No.234 of 2019 subject to the conditions as laid down under Section 438(2) of the Code



of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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