

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75834 of 2018

Arising Out of PS. Case No.-67 Year-2018 Thana- SURYAPUR District- Rohtas

-
1. Kewala Kuer, W/o Late Krishna Choudhary
 2. Narendra Choudhary, S/o Late Krishna Choudhary
 3. Maya Devi, W/o Narendra Choudhary, All are R/o Village-Larui, P.S. Surajpura, distt.-Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey

For the Opposite Party/s : Mr. Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-01-2019 Heard learned Counsels for the petitioners and learned
APP for the State.

The petitioners being mother, brother and sister of the husband of the victim are apprehending arrest in a case registered for the offences punishable under Sections 304B and 34 of the Indian Penal Code.

The prosecution case as per the written report of Binod Kumar Chauhan submitted to SHO, Surajpur Police Station is to the effect that the informant's daughter Nikki Kumari was married with co-accused Upendra Choudhary on 06.05.2018. Subsequently, further dowry demand of Rs.50,000/- and a motorcycle was made and due to non-fulfillment of the same, torture was inflicted upon the victim. It is further alleged that on



12.06.2018, the informant received the information that his daughter Nikki Kumari has died, when he reached her in-laws' house, he found that the accused persons including the petitioners had killed the daughter of the informant and she was lying dead on the bed.

It is submitted by learned counsel for the petitioners that the accusation against the petitioners are omnibus and general, the thrust of accusation is against the husband of the victim, who has been granted privilege of regular bail by a Co-ordinate Bench of this Court vide order dated 17.12.2018 passed in Cr. Misc. No. 75515 of 2018. It is further submitted that the said order suggests that the order has been passed after going through the post-mortem report which reflects that the ligature mark found on the neck of the victim and the cause of the death has been attributed as asphyxia caused by hanging. The petitioners claim to be separate from the husband of the victim. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioners are named in the FIR.

Considering the fact that the thrust of accusation is against the husband of the victim who has been granted regular



bail by a Co-ordinate Bench of this Court and the accusation is omnibus and general in nature, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **CJM, Rohtas at Sasaram** in connection with **Surajpura P.S. Case 67 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

U		T	
---	--	---	--

