

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68949 of 2018

Arising Out of PS. Case No.-154 Year-2018 Thana- BIRAUL District- Darbhanga

1. Baidyanath Kunwar S/o late Ram Kunwar,
2. Ram Dana Devi W/o Baidyanath Kunwar, Both R/o-Vill Bhauni, P.S.-Biraul, Distt.-Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha

For the Opposite Party/s : Md. Anzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 22-01-2019 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 302/34 of the Indian Penal Code.

The prosecution case, in brief, is that daughter of the informant was being tortured in her matrimonial house and in consequence thereof, informant's daughter was done to death due to non-fulfillment of demand of dowry.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been made accused in the present case due to mistake of fact. The petitioners are father-in-law and mother-in-law of the deceased. In paragraphs-28 & 29 of the case diary, the independent witnesses have stated that the deceased had committed suicide. From perusal of paragraph-30 of the case diary, it is clear that the door was broken from inside. The Supervising Authority has



also found the case to be true under Section-306 of the IPC. The petitioners are separate in mess and property from husband of the deceased. It is further submitted that the petitioners are old persons.

On behalf of the State and the counsel for the informant, it is submitted that the petitioners are named in the F.I.R. The death has taken place in the house of petitioners. The witnesses in paragraphs- 2, 9, 10, 11, 12 and 22 of the case diary have stated that the petitioners are committed murder of the deceased. Prior to institution of the present case, a case was instituted by the deceased for an offence under Section-498A and other allied Sections of the IPC.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, prayer for anticipatory bail of the petitioners in connection with Biraul P.S. Case No. 154 of 2018 is rejected.

If the petitioners surrender in the court below and seek regular bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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