

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81140 of 2019

Arising Out of PS. Case No.-133 Year-2019 Thana- SUPAUL District- Supaul

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1. PUNITA DEVI W/o Dukha Mukhiya Resident of Village - Karnpur, P.S.- Supaul, Distt.- Supaul.
 2. Raj Kumar Mukhiya @ Raj Kumar Son of Dukha Mukhiya Resident of Village - Karnpur, P.S.- Supaul, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Jha

For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2019 Heard learned counsels for the parties.

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

The prosecution case as per the Fardbeyan of Meena Devi recorded by the SI of Supaul Police Station on 5.3.2019 at 12.30 P.M. at Anant Prerna Hospital, Supaul is to the effect that the daughter of the informant namely Suman Devi was married with Bipin Mukhiya about one year prior to the lodging of the case. After 3-4 months of the marriage, the daughter of the informant informed her that her husband used to assault her. On 4.3.2019 the informant came to know that poison has been administered to her daughter and when the informant reached the hospital to see her daughter, the in-laws family members were not present there.

It is submitted by learned counsel for the petitioners that



from bare perusal of the FIR, it appears that no case under Section 304B of the IPC is made out as there is no accusation of demand of dowry. The anticipatory bail application was rejected by the learned Court below simply because in the inquest report, it has been mentioned that it is a suspected case of poisoning. However, in the postmortem report, cause of death has not been mentioned and viscera has been preserved. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the victim died within one year of the marriage and there is allegation against the petitioners also.

Considering the accusation in the FIR which prima facie takes out the case from the purview of Section 304B of the IPC and the fact that cause of death has not been ascertained, particularly, postmortem report does not reflect any resisting injury, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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, Supaul in connection with Supaul P.S.
Case No.133 of 2019 subject to the conditions laid down in
Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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