

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.893 of 2020

Arising Out of PS. Case No.-443 Year-2019 Thana- CHIRAIYA District- East Champaran

1. SHAMBHU PRASAD @ SHAMBHU RAI Son of Ramashray Rai Resident of Village-Samda, Police Station-Chiraiya, District-East Champaran at Motihari.
2. Jiyalal Rai Son of Shambhu Prasad @ Shambhu Rai Resident of Village-Samda, Police Station-Chiraiya, District-East Champaran at Motihari.
3. Jyoti Devi @ Jamwati Devi @ Jamawati Devi Wife of Shambhu Prasad @ Shambhu Rai Resident of Village-Samda, Police Station-Chiraiya, District-East Champaran at Motihari.
4. Neelam Devi Wife of Jiyalal Rai Resident of Village-Samda, Police Station-Chiraiya, District-East Champaran at Motihari.

Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjana
For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders” under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 304B, 201/34 of the Indian Penal Code.

Allegation against the petitioners is of committing torture



and caused death of the victim due to non-fulfillment of demand of dowry.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioner Nos. 1, 2, 3 & 4 are father-in-law, brother-in-law (*Bhainsur*), mother-in-law and sister-in-law (*Gotani*) of the deceased respectively. They are separate in mess and property from husband of the deceased. They have no concern with the alleged occurrence.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Additional Chief Judicial Magistrate, Sikrahana at Dhaka, Motihari, East Champaran in connection with Chiraiya P.S. Case No. 443 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall



furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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