

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5898 of 2020**

Arising Out of PS. Case No.-374 Year-2019 Thana- RAHUI District- Nalanda

1. ASHOK MISTRI Son of Late Ganauri Mistri Resident of Village - Itasang, P.s.- Rahui, Dist.- Nalanda.
2. Nilam Devi W/o Ashok Mistri Resident of Village - Itasang, P.s.- Rahui, Dist.- Nalanda.
3. Vikas Mistri Son of Ashok Mistri Resident of Village - Itasang, P.s.- Rahui, Dist.- Nalanda.
4. Vikki Mistri Son of Ashok Mistri Resident of Village - Itasang, P.s.- Rahui, Dist.- Nalanda.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md. Anisur Rahman, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 01-09-2020 Heard learned counsel for the petitioners and Md. Fahimuddin, learned APP for the State who has appeared in this case in absence of Mr. Vinod Shankar Modi, learned A.P.P.

The petitioners in the present case are seeking pre-arrest bail in connection with Rahui P.S. Case No. 374/2019 registered for the offences punishable under Sections 304B/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are father-in-law, mother-in-law and brother-in-laws of the deceased. The marriage in this case had been solemnized with one of the sons of petitioner no. 1 & 2 about eight years



back. It is submitted that in course of investigation it has been found that it is a case of suicide as the post-mortem report discloses death due to asphyxia due to hanging. No external injury has been found on the body of the deceased and no independent witness has come forward to support the allegations of demand of dowry.

Learned counsel further submits that though the informant improved upon his case in course of investigation, in the First Information Report at least he has not said that he had gone to the Sasural of the deceased few days back and there he was abused. It is further submitted that the husband has already surrendered and is in custody.

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioners but considering the facts and circumstances of the case and the materials collected in course of investigation which have been brought to the notice of this Court on behalf of the petitioners, finding that these petitioners are in-laws and it is a case of suicide as also that there is no independent witness to support the allegations of demand of dowry and the husband has already surrendered, let the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in



connection with Rahui P.S. Case No. 374/2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned I/C A.C.J.M. - I, Nalanda at Biharsharif, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

