

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5810 of 2020**

Arising Out of PS. Case No.-141 Year-2019 Thana- PHULWARIA District- Begusarai

1. MANJU DEVI Wife of Kailash Ram Resident of Village - Fulwaria, Tara Adda, Ward No. 1, P.S.- Fulwaria, Distt - Begusarai.
2. Kailash Ram Son of Pashupati Ram Resident of Village - Fulwaria, Tara Adda, Ward No. 1, P.S.- Fulwaria, Distt - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Adv.
For the Opposite Party/s : Mr.Ram Naresh Ray, APP

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

3 27-08-2020 Heard learned counsel for the petitioners and Mr. Ram Naresh Ray, learned APP for the State.

The petitioners in the present case are mother-in-law and father-in-law respectively of the deceased who are seeking pre-arrest bail in connection with Fulwaria P.S. Case No.141 of 2019 registered for the offences punishable under Section 304(B) of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Learned counsel for the petitioners submits that on bare perusal of the First Information Report it would appear that there are though allegations that these petitioners were also involved in demand of dowry and torture to the daughter of the



informant but during the last two years no such complaint was made against these petitioners and further in course of investigation the independent witnesses whose statements have been recorded in paragraphs 27 and 28 of the case diary have stated that the deceased had herself poured kerosene oil and had burnt herself. It is further submitted that there is no independent witness who has supported the prosecution case.

Learned counsel has also informed this Court that although the husband of the deceased has not surrendered till date, but he has got instruction to say that the husband of the deceased is willing to submit himself and is going to surrender within two weeks. In fact, learned counsel for the petitioners has made a prayer that only in case the husband surrenders within the aforesaid period that the petitioners' bail bond may be accepted by the learned court below. It is, thus his submission that these petitioners who are in-laws and living separately in mess and business and they have also separate livelihood be given privilege of anticipatory bail subject to such terms and conditions which may be imposed by this Court.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioners, but considering the facts and circumstances of the case wherein these petitioners



are said to be the in-laws, living separately in mess and business and in order to cooperate with the trial the husband is ready to surrender within two weeks, there being materials on the record suggesting that the deceased had herself set her on fire and no independent witness making allegation against these petitioners, let the petitioners above named in the event of their arrest or surrender within a period of four weeks from today in connection with Fulwaria P.S. Case No.141 of 2019 be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of Sri Rajeev Kumar, learned Judicial Magistrate-1st Class, Begusarai, 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.

and further condition that in terms of their instruction to learned counsel, in order to help the trial to proceed they would ensure that the husband of the deceased surrenders within two weeks and shall submit proof in this regard in the court below while submitting their bail bonds.

Let it be recorded that this undertaking has come on their own by learned counsel for the petitioners, therefore it must be complied with and only on being satisfied with this the learned court below shall accept the bail bond of the petitioners.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

