

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19966 of 2020

Arising Out of PS. Case No.-147 Year-2019 Thana- BIND District- Nalanda

1. RUDAL BIND @ RUDAL CHAUHAN Son of Shiv Kumar Bind Resident of Village and Police Station- Bind, District- Nalanda.
2. Mangal Bind @ Kripa Shankar Son of Shiv Kumar Bind Resident of Village and Police Station- Bind, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Singh
For the Opposite Party/s	:	Mr. A. L. Pandit
For the informant	:	Mr. Mukesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 07-12-2020 Heard learned Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor for the State, through Video Conferencing.

This application, for grant of anticipatory bail, arises out of Bind Police Station Case No. 147 of 2019, disclosing offences under Sections 304-B/34 of the Indian Penal Code.

The prosecution case, as per the First Information Report, is that the daughter of the informant (now deceased) was married to co-accused Ravi Shankar Kumar in the year 2017 and after the marriage, the petitioners, along with other co-accused persons started demanding a sum of Rs. 2,00,000/- as dowry and due to non-fulfillment of the said demand, the



deceased was subjected to cruelty and torture and ultimately she was killed on 19.11.2019 by pressing her neck.

Learned Counsel for the petitioners submits that the petitioners, who are brothers-in-law (Bhaisur and devar) of the deceased, have not committed any offence in the manner alleged and the husband of the deceased is in judicial custody. He further submits that the petitioner no. 2 is a student pursuing his studies at Bihar Sharif and he was not present at the place of occurrence at the time of occurrence and the petitioner no. 1, being the elder brother of the husband of the deceased has no concern with the family affairs of the deceased and in course of investigation, the witnesses have stated that the husband and the wife (deceased) used to quarrel frequently.

On the other hand, learned Additional Public Prosecutor, referring to the case diary, submits that the petitioners are named in the First Information Report and the deceased has died an unnatural death within seven years of marriage at her matrimonial home and the petitioner no. 1 used to reside in the same house where the occurrence has taken place.

After having heard learned Counsel for the parties concerned and taking into consideration the materials on record,



I am not inclined to grant the petitioner no. 1, namely, Rudal Bind @ Rudal Chauhan, privilege of anticipatory bail.

This application, so far as petitioner no. 1, namely, Rudal Bind @ Rudal Chauhan, is concerned, is dismissed.

However, considering the fact that the petitioner no. 2 is a student and pursuing his studies at Biharsharif, away from the place of occurrence, I am inclined to grant privilege of anticipatory bail to the petitioner no. 2, Mangal Bind @ Kripa Shankar.

This application, so far as petitioner no. 2, is concerned, is allowed.

Let the petitioner no. 2, Mangal Bind @ Kripa Shankar, in the event of his arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Nalanda, at Biharsharif, in connection with Bind Police Station Case No. 147 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social



distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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