

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26165 of 2020

Arising Out of PS. Case No.-367 Year-2019 Thana- PUPRI District- Sitamarhi

1. RAM SAKHIA DEVI Wife of Umesh Mahto Resident of Village - Gadha, P.S.- Pupri, District - Sitamarhi.
2. Umesh Mahto Son of Resident of Village - Gadha, P.S.- Pupri, District - Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 15-10-2020 . As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioners and the learned Counsel for the State.

. This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners apprehend arrest in Pupri PS Case No. 367 of 2019 registered under Sections 304(B) and 201/34 of the IPC.

The informant received intimation that his daughter has died at her in-law's place and has been cremated. This founded the basis of prosecution being launched on assertion that she must have been done to death for dowry.

Learned Counsel for the petitioners submits that the FIR does not disclose that the petitioners, who are mother-in-law and



father-in-law, have ever demanded dowry from the victim or the informant. The husband of the victim is already in custody. The petitioners have falsely been implicated though they are not having any concern with the victim and her husband.

Learned APP for the State has opposed the prayer for anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioners.

Accordingly, let the petitioners above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of SDJM, Pupri, Sitamarhi in Pupri PS Case No. 367 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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