

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 25375 of 2020**

Arising Out of PS Case No.-377 Year-2018 Thana- NAUTAN District- West Champaran

1. Bikram Mukhiya, aged about 47 years, Male, son of Chandradeo Mukhiya.
2. Gita Devi, aged about 42 years, Female, Wife of Bikram Mukhiya.
Both resident of Village-Semari Dih, P.S.-Laukriya, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. B N Mishra, Advocate
For the State	:	Mr. Tarkeshwar Nath Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 05-11-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. B N Mishra, learned counsel for the petitioners and Mr. Tarkeshwar Nath Thakur, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Nautan PS Case No. 377 of 2018 dated 16.07.2018, instituted under Sections 304B/34 of the Indian Penal Code.

4. The petitioners, who are father-in-law and mother-in-law of the deceased daughter of the informant, are alleged to have



assaulted and beaten her and sent her to the matrimonial home on 13.07.2018 in the evening demanding Rs. 2 lakhs dowry due to which on 14.07.2018 in the morning, she had committed suicide.

5. Learned counsel for the petitioners submitted that there is no truth in the allegation as the deceased was married to their son on 04.05.2018 and, thus, it cannot be believed that within two months, she would be brutally assaulted and sent to the matrimonial home knowing fully well that her father was living at Arunachal Pradesh and not at the village home. It was submitted that besides the allegation being totally false, even the inquest and postmortem report do not disclose any mark of assault or torture on the body of the deceased and only ligature mark has been found on the neck and the cause of death has been opined to be asphyxia due to hanging. Learned counsel submitted that there is absolutely no corroboration of any wrong doing on their part. It was submitted that the fact is that the deceased was married to the son of the petitioners against her wishes as she wanted to marry someone else due to which she had committed suicide. Learned counsel submitted that the son of the petitioners is already in jail since 03.09.2019 and the petitioners have no criminal antecedent.

6. Learned APP submitted that the deceased had committed suicide only because she was ill-treated at her



matrimonial home. However, he could not controvert the fact that despite there being specific allegation of brutal assault on the deceased, in the inquest as well as postmortem report, no external injury on the body except for ligature mark on the neck has been found.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran, Bettiah in Nautan PS Case No. 377 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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