

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28172 of 2020**

Arising Out of PS. Case No.-312 Year-2019 Thana- BAIRIYA District- West Champaran

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1. Gulabiya Devi @ Gulaviya Devi, aged about 60 years, Female, W/o Rameshwar Chaudhary @ Ramashray Sahani, Resident of Village-Bagahi Bakuliya Tola, P.S.-Bairiya, District-West Champaran.
2. Rameshwar Chaudhary @ Ramashray Sahani, aged about 62 years, Male, S/o Late Ramchandra Chaudhary @ Puran Sahani, Resident of Village-Bagahi Bakuliya Tola, P.S.-Bairiya, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate  
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

2      03-12-2020                      Heard Mr. Umesh Chandra Verma, learned counsel for the petitioners and Mr. Uma Shankar Prasad Singh, the learned Additional P.P. through video conferencing.

Petitioners apprehend their arrest in Bairiya P.S. Case No.312 of 2019, registered under Sections 304(B)/34 of the Indian Penal Code.

The informant, father of the deceased, alleged that he solemnized the marriage of his daughter with Laxman Chaudhary, the son of the petitioners in the year 2012, but after marriage the family members of his daughter started torturing her. The informant further alleged that on 15.09.2019, the informant came to know that the accused persons including the petitioners brutally



assaulted his daughter and killed her. When the informant went to see his daughter, he found the dead body of his daughter inside the house and accused persons fled away.

Learned counsel for the petitioners submits that the marriage of the deceased was solemnized in the year 2012 with Laxman Chaudhary. The informant never complained for ill treatment at the hands of the petitioners during the subsistence of marriage in the last seven years. The deceased died of natural death and taking advantage of this unfortunate happening of death of the deceased, the petitioners have falsely been implicated in the case making allegation of demand of dowry and torture. It is further submitted that the husband of the deceased is in jail and the petitioners are father-in-law and mother-in-law. They have no manner of concern with the family affairs of the deceased and her husband.

The learned Additional P.P. opposed the prayer for anticipatory bail.

It appears that the marriage was solemnized seven years ago. During the period of seven years after marriage of the deceased with the son of the petitioners, the informant or the deceased never made any complaint of ill treatment at the hands of the petitioners. Petitioners are father-in-law and mother-in-law of the deceased.



Considering the facts aforesaid, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1<sup>st</sup> Additional Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bairiya P.S. Case No.312 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Jha, J)**

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