

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68852 of 2019

Arising Out of PS. Case No.-217 Year-2019 Thana- BUXAR MUFFASIL District- Buxar

1. Shail Kumari Rai @ Shail Kumari, Wife of Anand Raj Rai Resident of Village- Banarpur, P.S.- Buxar (Muffasil), District- Buxar.
2. Anand Raj Rai Son of Ram Avtar Rai Resident of Village- Banarpur, P.S.- Buxar (Muffasil), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar Singh, Adv.
For the State	:	Ms. Nirmala Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

5 25-06-2020 Heard learned counsel appearing for the petitioners as well as learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners apprehend their arrest in connection with Buxar Muffasil P.S. Case No. 217/2019 registered for the offence punishable under Section 304 (B)/34 of the Indian Penal Code.

Admittedly, the petitioners are parents-in-law and prosecution claimed that deceased was subjected to cruelty and torture due to non fulfillment of dowry demand and, subsequently, she was killed. The First Information Report goes to show that that marriage of deceased had taken place four years ago and she gave birth to a child out of the wedlock. So it is obvious that the deceased remained at her matrimonial home for near about four years.



However, in course of investigation some of the independent witnesses claimed that petitioners were residing separately from the husband of deceased and, furthermore, independent witnesses claimed that having heard the noise when they went to the house of husband of deceased, they found that the room of deceased was locked from inside and, thereafter, anyhow they managed to open the door and saw the deceased hanging with ceiling fan.

The post mortem report of deceased goes to show that no external injury are found on her person except one ligature mark on her neck and the doctor opined that the deceased died on account of Asphyxia due to hanging.

Considering the aforesaid facts and circumstances as well as submissions of the parties let the petitioners, in the event of his arrest/surrender within six weeks from the date of receipt of this order to the Court concerned, shall 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 learned Chief Judicial Magistrate, Buxar in connection with Buxar Muffasil P.S. Case No. 217 of 2019 subject to conditions as laid down under Section 438 (2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

GAURAV S./-

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