

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77167 of 2019

Arising Out of PS. Case No.-107 Year-2019 Thana- ASHTHAWAN District- Nalanda

1. BHOLA CHAUDHARY, Son of Late Gurushankar Chaudhary, Resident of Village-Gobarbiga, P.S-Asthawan, District-Nalanda.
2. Santi Devi @ Sati Devi, Wife of Bhola Chaudhary, Resident of Village-Gobarbiga, P.S-Asthawan, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Premchandra Yadav, Adv.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 16-03-2020 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners, being the parents of the husband of the victim, are apprehending arrest in a case registered for the offences punishable under Sections 304B/34 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Bhuneshwar Choudhary recorded by A.S.I. Banktesh Kumar, Asthawan Police Station on 13.05.2019 at 12.40 P.M. is to the effect that the daughter of the informant, namely, Rupa Devi was married with co-accused, Tuntun Choudhary about five years prior to lodging of the present case. Subsequently, the married couple was blessed with a female child and on the date of alleged



occurrence, the daughter of the informant was carrying seven months' pregnancy, but due to non-fulfillment of further dowry demand of cash amount of Rs.50,000/-, the daughter of the informant was throttled to death.

It is submitted by learned counsel for the petitioners that as per the fardbeyan of the informant, the police reached at the spot and the dead body of the victim was recovered from a maize field and thereafter, after conducting the post mortem on the body of the victim, the cremation was done on 11.05.2019 and the informant himself had participated in the cremation, but maliciously, the present FIR was registered on 13.05.2019 with frivolous accusation against the petitioners. Moreover, the thrust of accusation is against the husband of the victim who is already in custody. The accusation against other-co-accused persons, including the petitioners, is omnibus and general and other co-accused, being the elder brother of the husband of the victim and his wife, namely, Guddu Chaudhary and Seema Devi respectively, have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 26.08.2019, passed in Criminal Miscellaneous No. 53194 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.



It is submitted by learned APP for the State after going through the case diary that the petitioners are named in the FIR with specific accusation.

Considering the thrust of accusation against the husband of the victim and the accusation against other co-accused, including the petitioners, being omnibus and general, delayed lodging of the FIR and similarly situated co-accused, being the elder brother of the husband of the victim and his wife being granted anticipatory bail by a Co-ordinate bench of this Court, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, 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 CJM, Nalanda at Bihar Sharif, in connection with Asthawan P.S. Case No.107 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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