

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81449 of 2019

Arising Out of PS. Case No.-619 Year-2019 Thana- KUDHNI District- Muzaffarpur

1. NAGENDRA RAI Son of Nandu Ray Resident of Village- Madhoul, P.S.- Kudhani (Turki O.P.), District- Muzaffarpur.
2. Uttam Devi Wife of Nagendra Rai Resident of Village- Madhoul, P.S.- Kudhani (Turki O.P.), District- Muzaffarpur.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Gaurav Kumar, Advocate. Ms. Kumari Archana, Advocate.
For the State	:	Mr. Arun Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 03-02-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Kudhani (Turki O.P.) P.S. Case No.619 of 2019 registered under Sections 302 and 120(B)/34 of the Indian Penal Code.

The accusation is of torturing the deceased, the sister of the informant, by her husband and other in-laws for non-fulfillment of the dowry demand and killing her by pressing her neck.

Learned counsel for the petitioners submits that the petitioner no.1 is father-in-law, whereas the petitioner no.2 is the mother-in-law of the deceased and they have falsely been



implicated in this case. In fact, due to quarrel with her husband, the deceased committed suicide.

Learned Additional Public Prosecutor for the State opposed the prayer of the petitioners to grant them the privilege of pre-arrest bail, submitting that the daughter of the deceased, aged about 8 years, has stated in her statement, as detailed in paragraph-7 of the case diary, that her mother was being assaulted by her father, grandmother (petitioner no.2), uncle and aunt.

Admittedly, the petitioner no.1 is the father-in-law and the petitioner no.2 is the mother-in-law of the deceased and the daughter of the deceased has not disclosed the name of the petitioner no.1 in her statement in causing assault to her mother.

Having considered the facts and the circumstances of the case, let the petitioner no.1, namely, Nagendra Rai, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-III, West Muzaffarpur, in connection with Kudhani (Turki O.P.) P.S. Case No.619 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.



So far as the petitioner no.2, namely, Uttam Devi, is concerned, considering the nature of allegation against her, I am not inclined to grant her the privilege of pre-arrest bail. Accordingly, the prayer of the petitioner no.2, namely, Uttam Devi, for grant of privilege of pre-arrest bail stands rejected. However, the petitioner no.2, namely, Uttam Devi, is directed to surrender before the court below within four weeks from today and pray for regular bail, which shall be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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