

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 33488 of 2020

Arising Out of PS. Case No.-107 Year-2019 Thana- PALASI District- Araria

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1. Udanand Mandal @ Udranand Mandal, aged about 53 years, Male Son of Late Lelhu Mandal.
 2. Surji Devi, aged about 50 years, Female Wife of Udanand Mandal @ Udranand Mandal.
Both Resident of village- Bhattabari, P.S.- Palasi, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Narayan Mahto, Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 28-10-2021 Heard Mr. Ram Narayan Mahto learned counsel appearing on behalf of the petitioners and Mr. Pawan Kumar Chaurasia, learned counsel appearing on behalf of the State.

The petitioners apprehend their arrest in connection with Palasi P.S. Case No. 107 of 2019, dated 12.04.2019 registered for offence punishable under Section 304(B)/34 of the Indian Penal Code.

The allegation made in the FIR is that the deceased is the daughter of the informant and the petitioner nos. 1 and 2 are the father-in-law and mother-in-law. The accused persons assaulted the daughter of the informant for demand of dowry of Rs. 50,000/- and on 11.04.2019 at about 9.00 P.M. the informant



came to know that the in laws of her daughter badly assaulted the daughter of the informant and when the informant went there, she found her daughter lying on the ground. And on being asked, the daughter of the informant informed her that the accused persons who are father-in-law and Mother-in-law assaulted for non-fulfilment of demand of dowry and forcefully administered poison to her thereafter her daughter became unconscious and in course of treatment she died.

Learned counsel appearing on behalf of the petitioners submits that petitioner nos. 1 and 2 are father-in-law and Mother-in-law and has been falsely implicated in this case. It has further been stated that they have neither made any demand or tortured nor administered poison to their daughter-in-law. It has further been submitted that the deceased has died natural death and the entire allegation are false and fabricated. It has further been submitted by learned counsel for the petitioners in paragraph no. 3 of the petition that a supplementary affidavit on behalf of the petitioners has been filed in which a certificate has also been granted by the Mukhiya of the Gram Panchyat dated 09.04.2021 (Annexure-1) in which it has been stated that these petitioners lives separately from the accused Mithun Kumar Mandal, who is in jail.



Learned APP vehemently opposed the privilege of anticipatory bail and submitted that this is a case of dowry death. The petitioners are father-in-law and Mother-in-law of the deceased and the deceased died within seven years of their marriage at her sasural in an unnatural circumstances. He also relied paragraph nos. 5, 6, 30 and 31 of the case diary in which the independent witnesses have supported the complicity of these petitioners.

Having considered the facts and circumstances of the case, submissions of learned counsel for the parties, perusal of FIR and the case diary, I am not inclined to enlarge the petitioners on anticipatory bail.

Accordingly, the anticipatory bail application stands dismissed.

If the petitioners surrender before the Court below within a period of six weeks from today and pray for regular bail, the Court below shall consider on its own merits, in accordance with law, and pass appropriate order without being prejudiced by the present order.

(Purnendu Singh, J.)

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