

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31336 of 2020

Arising Out of PS. Case No.-45 Year-2018 Thana- MAHESI District- East Champaran

1. Manish Kumar @ Manish Kumar Singh S/o Birendra Singh Resident of Village- Dagraha, P.S.-Mehsi, District-East Champaran.
2. Birendra Singh S/o Ekbali Singh Resident of Village- Dagraha, P.S.-Mehsi, District-East Champaran.
3. Urmila Devi W/o Birendra Singh Resident of Village- Dagraha, P.S.-Mehsi, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Pandey, Adv.
For the Informant	:	Mr.Kundan Rathore @ Kundan Kumar, APP
For the State	:	Mr. Akhileshwar Dayal Adv.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- 4 01-02-2021 Heard learned counsel for the petitioner, informant and the learned APP for the State.

Learned counsel for the petitioners is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

Petitioners apprehend their arrest in connection with Mehsi PS Case No 45 of 2018, instituted for the offence under Section 304B of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The allegation is that the petitioners, who are husband, father-in-law and mother-in-law, have killed the informant's daughter for non fulfillment of the demand for dowry by



poisoning.

Learned counsel for the petitioners submits that as per the prosecution case, the victim was hospitalized by her brother and was declared dead on 02.02.2018. The postmortem report shows the cause of death due to Epileptic fit. The prosecution is an afterthought as the complaint has been lodged on 22.02.2018 more than 20 days after the death of the victim. It is a case of false implication on extraneous consideration.

The learned APP for the State as well as counsel for the informant have opposed the prayer for anticipatory bail by submitting that a protest petition was filed, wherein, seven persons have supported the allegations and, under such circumstances, the Court has taken cognizance of the offence under Section 304 B of the IPC against the petitioners.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, before the court below, within four (04) weeks from today, they shall be released on anticipatory 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 Additional Chief Judicial Magistrate- 6th Motihari, in connection with Mehsi PS Case No 45 of 2018, Tr No 3405 of 2019 subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.



(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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