

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31747 of 2020

Arising Out of PS. Case No.-114 Year-2019 Thana- JURAWANPUR District- Vaishali

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1. Usha Devi, aged 45 years, Female, W/o Lala Rai,
 2. Rahul Kumar, aged 19 years, Male, S/o Lala Rai, both resident of village-
Ram Nagar, P.S.-Bakhtiyarpur, District-Patna.
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Rina Sinha, Advocate
For the State	:	Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 12-02-2021

Heard Ms. Rina Sinha, learned counsel for the petitioners and Mr. Narendra Kumar Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioners apprehend arrest in connection with Jurawanpur PS Case No.114 of 2019 dated 14.11.2019 instituted under Sections 302, 201/34 of the Indian Penal Code and 4 of the Dowry Prohibition Act, 1961.

3. The allegation against the petitioners is of being party to killing of the daughter of the informant, who was the wife of the brother of the petitioner no.1

4. Learned counsel for the petitioners submitted that



marriage had taken place in the year 2005 and death occurred in the year 2019 i.e., after 14 years and there were also four children born out of the wedlock and though there is allegation of demand of dowry, but there has been no complaint anywhere prior to the present incident. It was submitted that besides merits, the petitioner is married sister of the husband of the deceased and was living in her matrimonial home at Bakhtiyarpur in Patna district, whereas, the incident occurred in Vaishali district and the petitioner no. 2 is her son and, thus, has no connection with the affairs of the deceased. Learned counsel submitted that as per her instructions, the deceased was pregnant and due to complication she died and only upon news of the death, she had also gone to her father's place on such sad occasion and even the relatives of the deceased had participated in the cremation and the case is false. It was submitted that the petitioners do not have any criminal antecedent.

5. Learned APP submitted that it has been alleged that the daughter of the informant was killed and her body burnt without any information to her relatives to cover-up the crime.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within



six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the CJM, Vaishali at Hajipur, in Jurawanpur PS Case No.114 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that one of the bailors shall be a close relative of the petitioners, and (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners and they shall cooperate with the Court/police/prosecution. Any violation of the terms of the bonds or failure to cooperate shall lead to cancellation of their bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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