

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34696 of 2020

Arising Out of PS. Case No.-122 Year-2020 Thana- BAKHTIYARPUR District- Patna

1. RADHIKA DEVI Wife of Bindeshwar Rai Resident of Village - Abbu Mahammadpur, Police Station - Bakhtiyarpur, District - Patna.
2. Dharmendra Kumar @ Dharmendra Prasad Son of Bindeshwar Rai Resident of Village - Abbu Mahammadpur, Police Station - Bakhtiyarpur, District - Patna.
3. Babita Devi Wife of Dharmendra Kumar Resident of Village - Abbu Mahammadpur, Police Station - Bakhtiyarpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap

For the Opposite Party/s : Mr. Ashok Kumar, APP .

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-01-2021 Heard the learned counsel for the petitioner and Shri Ashok Kumar, the learned A.P.P. for the State.

At the outset, the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioner no. 2 inasmuch as he has already been arrested.

Accordingly, the present petition qua the petitioner no. 2 stands dismissed.

The petitioners apprehend their arrest in connection with Bakhtiyarpur P.S. Case No. 122 of 2020 for the offence registered under Sections 304(B)/34 of the Indian Penal Code.

The allegation against the accused persons including the petitioners is regarding them having killed the deceased victim lady on account of non-fulfillment of the demand for



dowry.

The learned counsel for the petitioners no. 1 & 3 has submitted that the petitioners no. 1 & 3 are innocent, they have been falsely implicated in the present case and are having a clean antecedent. The learned counsel for the petitioners no. 1 & 3 has further submitted that the petitioner no. 1 is the mother-in-law of the deceased victim lady and the petitioner no. 3 is the sister-in-law of the deceased victim lady and as far as the husband is concerned, he is already in custody. Lastly, it is submitted that a general and omnibus allegation has been levelled against the accused persons, hence in view of the husband of the deceased victim lady being in custody, no prejudice would be caused to the prosecution in case the petitioner nos. 1 and 3 are granted bail.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioners no. 1 & 3 and taking into account the fact that a general and omnibus allegation has been levelled against the accused persons including the petitioners herein and moreover the husband is already in custody, I deem it fit and proper to admit



the petitioner nos. 1 & 3 herein to the privilege of anticipatory bail.

Accordingly, the petitioner nos. 1 & 3, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four 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 learned Additional Chief Judicial Magistrate-1st Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 122 of 2020 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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