

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34993 of 2020

Arising Out of PS. Case No.-372 Year-2019 Thana- KUDHNI District- Muzaffarpur

1. NAVIN KUMAR Son of Ganaur Thakur Resident of Village- Dubiyahi, P.S.- Kudhani (Turki O.P.), District- Muzaffarpur.
2. Kundan Kumar Son of Ganaur Thakur Resident of Village- Dubiyahi, P.S.- Kudhani (Turki O.P.), District- Muzaffarpur.
3. Indrasan Devi Wife of Gonaur Thakur Resident of Village- Dubiyahi, P.S.- Kudhani (Turki O.P.), District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr. B. N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 03-05-2021 Heard both sides.

The petitioners apprehend their arrest in Kudhani (Turki O.P.) PS case No. 372/2019 registered under Section 304B, 201, 34 of the IPC.

The informant, father of the deceased, alleged that he got his daughter married to Arvind Kumar Thakur, son of Ganaur Thakur, of village Dubiyahi, PS Kudhani, district Muzaffarpur. On 09.06.2019 he got information that his daughter was lying dead and on such the informant came to the house of his daughter but he did not find any person inside the house. The villagers informed that his daughter was being



cremated. When the informant went there he found half burnt dead body of his daughter.

The learned counsel for the petitioners submits that petitioners are brothers-in-law and mother-in-law of the deceased. The marriage was solemnized five years ago and during that period neither the informant nor the deceased ever made any complaint about ill treatment for additional demand of dowry. The deceased committed suicide and she was cremated in presence of the informant but later on the informant lodged the case. It is further submitted that when the informant came to know about the true facts he filed a petition before the court below stating that his daughter died on account of illness. It is submitted that the deceased got two minor children and petitioner No.3, being mother-in-law of the deceased, is looking after them. Ganaur Thakur, father-in-law of the deceased, has already been granted regular bail, therefore, the petitioners deserve anticipatory bail.

The learned APP opposed the prayer for anticipatory bail and submitted that it is a case of dowry death and no specific allegation can be made. The informant is not an eye witness of the occurrence. The deceased died within five years of her marriage in her in-laws house.



Having considered the facts aforesaid and the fact that petitioners are brothers-in-law and mother-in-law of the deceased and the deceased died after five years of her marriage but she never made any complaint and father-in-law of the deceased has already been granted bail, the petitioners, above named, in the event of their arrest/ surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III West, Muzaffarpur in connection with Kudhani (Turki O.P.) P.S. case No. 372/2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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