

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33978 of 2020

Arising out of PS. Case No.-326 Year-2019 Thana- DHAKA District- East Champaran

1. Badri Ram, aged 70 years, Gender-Male, Son of Late Jagan Ram, Resident of Village-Phulwaria, P.S.-Dhaka, District-East Champaran.
2. Manorama Devi, aged about 39 years, Gender-Female, Wife of Shambhu Ram Resident of Village-Phulwaria, P.S.-Dhaka, District-East Champaran.
3. Sudha Kumari @ Sudhari Kumari, aged 18 years, Gender-Female, D/o Shambhu Ram Resident of Village-Phulwaria, P.S.-Dhaka, District-East Champaran.
4. Puja Kumari, aged about 19 years, D/o Shambhu Ram Resident of Village-Phulwaria, P.S.-Dhaka, District-East Champaran.
5. Aarti Kumari @ Aarthi Kumari @ Arti Kumari, aged about 21 years, Gender-Female, D/o Shambhu Ram Resident of Village-Phulwaria, P.S.-Dhaka, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhurendra Kumar, Advocate
For the State	:	Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 09-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Dhurendra Kumar, learned counsel for the petitioners and Mr. Nagendra Prasad, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Dhaka PS Case No. 326 of 2019 dated 30.08.2019, instituted under Sections 304(B)/307/34 of the Indian Penal Code.



4. The allegation against the petitioners is of being instrumental in killing the sister of the informant for dowry within one and half years of marriage.

5. Learned counsel for the petitioners submitted that petitioner no.1 is the father-in-law, petitioner no. 2 the wife of the elder brother of the husband of the deceased whereas petitioners no.3, 4 and 5 are daughters of the petitioner no.2. It was submitted that they are living separately and are also separate in mess and they have no role with the family affairs of the deceased. It was submitted that the sister of the informant died a natural death. Learned counsel submitted that the petitioner no. 1 is 70 years old having no role in the affairs of the family. Learned counsel submitted that even in the FIR the allegation is totally against the husband of the deceased and petitioner no. 2 and it is stated that the petitioner no. 2 was in-charge of the affairs of the house. Learned counsel submitted that the allegation is specifically only against petitioner no. 2, and with *mala fide* intention only to harass the entire family, petitioners no. 1, 3, 4 and 5 have also been made accused. It was submitted that the petitioners do not have any criminal antecedent.

6. Learned APP submitted that there is specific allegation of demand of dowry and death has occurred within one



and half years of marriage in the matrimonial home. It was submitted that there is no explanation as to how she died. However, it was not controverted that the allegation is basically against petitioner no. 2.

7. 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 no. 1, 3, 4 and 5 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 Sub Divisional Judicial Magistrate, Sikrahana, Dhaka at East Champaran, Motihari in Dhaka PS Case No. 326 of 2020, 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, (ii) that the petitioners shall also give an undertaking to the Court that they shall not tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate with the Court/police/prosecution. Failure to cooperate shall also lead to cancellation of their bail bonds.



8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

9. The prayer for pre-arrest bail of petitioner no. 2, namely Manorma Devi, is rejected.

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

(Ahsanuddin Amanullah, J)

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