

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40177 of 2020

Arising Out of PS. Case No.-58 Year-2020 Thana- NAGARNAUSA District- Nalanda

1. Awadhesh Pandey @ Awadgesh Pandey, S/o Late Rajendra Pandey @ Late Mohan Pandey Resident of Vill.- Bhobhi, P.S.- Nagarnausa, Distt.- Nalanda.
2. Bibha Devi, W/o Awadhesh Pandey @ Awadgesh Resident of Vill.- Bhobhi, P.S.- Nagarnausa, Distt.- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Singh
		Mr. Anil Kumar Singh
For the Opposite Party/s	:	Mr. Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 07-07-2021 Heard Mr. Rajesh Kumar Singh, learned counsel

for the petitioners and Mr. Amitesh Kumar, learned APP

for the State.

The petitioners seek bail in anticipation of their arrest in connection with Nagarnausa P. S. Case No. 58 of 2020, which was initially instituted for the offences under Sections 341, 323, 326, 307, 498(A), 504, 506 and 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961 but later with the death of the deceased Section 304 (B) of the Indian Penal



Code was also added.

The petitioners are the parents-in-law of the deceased.

It has been submitted on behalf of the petitioners that though they have been made accused in the F.I.R. but the death of the deceased is because of accidental burning while cooking food.

It has also been submitted that the deceased was given first aid treatment in the government hospital from where she was referred to the PMCH. However, on wrong advice, the present case has been lodged. The motive of the informant in lodging this case appears to be, it has been urged, vindictive.

There is no specific accusation of any demand of dowry or consequent torture or cruelty against the deceased.

The deceased had been living happy life with her husband but because of the death, the present case has been lodged with distorted accusation.



The husband of the deceased is in custody.

The petitioners are aged persons who never controlled the affairs of the household of the deceased and her husband.

Regard being had to the afore-stated facts, the petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Hilsa, Nalanda, in connection with Nagarnausa P. S. Case No. 58 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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