

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3612 of 2021

Arising Out of PS. Case No.-164 Year-2019 Thana- DEWARIA District- Muzaffarpur

1. SURENDRA SAH S/o Late Hari Sah Resident of Village- Deoira Balia, P.S.- Deoria, Distt- Muzaffarpur
2. MUNNI DEVI W/o Surendra Sah Resident of Village- Deoira Balia, P.S.- Deoria, Distt- Muzaffarpur.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajiv Kumar, Advocate

For the Opposite Party/s : Mr. Ramchandra Singh, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 22-07-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioners and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Deoria PS Case No. 164 of 2019 registered under Sections 304(B), 201, 34 of the IPC and Sections 3/4 of the Dowry Prohibition Act.

The informant's daughter was married with one Vikash Kumar in October 2019. On 11.11.2019 the daughter of the instant petitioners, who are father-in-law and mother-in-law of the victim, has intimated the informant that daughter has died. The informant alleges that when she went to the village, she was informed by the villagers that the daughter has been done to death for non fulfilment



of demand for a motorcycle as dowry.

Learned Counsel for the petitioners submits that being father-in-law and mother-in-law it is beyond imagination that they would ask for the motorcycle. The demand, if any, could only be by the husband for such an article. The petitioners had no concern. They are in jail since 14.11.2019. Husband of the victim is in judicial custody. The prosecution is based only on suspicion.

Learned APP has opposed the prayer for bail. It is submitted that the petitioners cannot absolve themselves of their liability as the death has occurred in the matrimonial home.

The Court, after considering the rival submissions as also the facts and circumstances of the case, is inclined to allow the prayer for bail of the petitioners. Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Muzaffarpur in Deoria PS Case No. 164 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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