

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18170 of 2022

Arising Out of PS. Case No.-70 Year-2021 Thana- PIPRAHI District- Sheohar

1. Kanti Devi Wife of Raghubir Paswan Resident of Village - Singahi, Police Station - Piprahi, District - Sheohar.
2. Raghubir Paswan Son of Mitran Paswan Resident of Village - Singahi, Police Station - Piprahi, District - Sheohar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs.Madhubala Verma, Advocate

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-07-2022 Heard Mrs. Madhubala Verma, learned counsel for the petitioners and Mr. Anand Mohan Prasad Mehta, the learned APP for the State.

The case arises out of Piprahi P.S. Case No. 70 of 2021 under sections 304(B), 201/34 of the Indian Penal Code.

The allegation in the FIR is that the informant's daughter was married to Gabbar Paswan. She was subjected to cruelty from day one for demand of motorcycle and gold chain by her husband and he always used to threaten her that if the same is not fulfilled, she will be killed.

On the fateful day, he got knowledge of killing of his daughter. When he reached the cremation place, the only thing he can see was the ashes of his daughter. Accordingly, FIR was lodged against the accused persons.

Learned counsel for the petitioners submit that in the



FIR, allegation is against the husband Gabbar Paswan that he used to demand motorcycle and gold chain and non-fulfillment of the said dowry, allegation is that she was killed and the mortal remains were consigned to flame without parents of the lady.

Learned counsel for the petitioner further submits that so far as the petitioners in the present case is concerned, they are mother-in-law and father-in-law and the demand of dowry has not been attributed to them. At best, as per the allegation they can be alleged to be part of the cremation of the body, attracting section 201 of the Indian Penal Code. She lastly submits that the couple are in jail since 29.1.2022 (as stated in para-15 of the bail application).

Taking into account the aforesaid fact that the allegation of dowry is against the husband, Gabbar Paswan, they are accused of cremating the body of lady without even the arrival of the parents, are in jail since 29.1.2022 and charge-sheet has been submitted as also the fact that the husband namely Gabbar Paswan is in custody, this Court is inclined to grant them the privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 15,000/- (Fifteen thousand) each with two



sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Sheohar, in connection with Piprahi P.S. Case No. 70 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail their cancellation of bail by the Trial Court itself;

(iii) they shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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