

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21100 of 2022

Arising Out of PS. Case No.-92 Year-2021 Thana- BARACHATTI District- Gaya

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1. Laxminia Devi Wife Of Ramdeo Mandal R/O Village- Nadarpur, P.S.- Barachatti, District- Gaya
 2. Ramdeo Mandal Son Of Jathu Manjhi R/O Village- Nadarpur, P.S.- Barachatti, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan Jha, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-10-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr. Rajeev Ranjan Jha, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered in connection with Barachatti P.S. Case No. 92 of 2021 for the offences punishable under Sections 302, 201/34 of the Indian Penal Code and later on section 304B of the I.P.C was added.

The prosecution case is based on a written report filed by the informant alleging therein that the marriage of the daughter of the informant was solemnized on 02.05.2019 with the son of the petitioners. It is further alleged that just after the



marriage, the daughter of the informant was subjected to torture in various ways on account of non fulfillment of demand of dowry. It is further alleged that on 07.02.2021 at about 7-8 am, the deceased had informed the informant that co-accused persons including the petitioners have threatened to kill her and on the same day the informant has been informed by the petitioner no. 1 that she is seriously ill and later on she was found dead.

Learned counsel for the petitioners submits that from the FIR, it would be evident that there is no demand of any dowry and save and except the allegation that she was subjected to torture at the hands of all the accused persons, there is no material and moreover, no reason has been disclosed as to why the deceased was being tortured. He next submits that petitioners are mother-in-law and father-in-law of the deceased and no specific allegation has been attributed against them. He next submits that from the FIR, it is also evident that the informant was informed by petitioner no. 1 about the serious condition of the deceased and thereupon the informant and his other family members came to the house of the petitioners. He also submits that in fact with the consent of the informant, the dead body of the deceased was cremated. Learned counsel for



the petitioner also drawn the attention of this Court towards paragraph 6,7 and 8 of the case diary wherein independent witnesses have stated that the deceased herself committed suicide and thereafter, with the consent of all the family members cremation was done. He last submits that both the petitioners are in custody since 16.05.2021 having fair antecedent.

On the other hand, learned counsel for the State opposed the bail application and submits that the death has caused in otherwise under normal circumstances within seven years of marriage and soon before her death, she was subjected to torture on account of demand of dowry which resulted into submission of charge sheet under section 304B of the Indian Penal Code and as such the presumption of dowry death is attracted against the petitioners.

Regard being had to the submissions made on behalf of the parties and considering the fact that petitioners are mother-in-law and father-in-law of the deceased and the independent witnesses have stated that the deceased herself committed suicide and the FIR also suggests that the informant was informed by the petitioner no. 1, apart from the period of incarceration, let the petitioners, above named, be released on



bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Barachatti P.S.Case No. 92 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J.)

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