

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31714 of 2021

Arising Out of PS. Case No.-378 Year-2020 Thana- GORAUL District- Vaishali

1. MD. LALBABU @ LALBABU Son of Late Md. Suleman Resident of Village- Mansurpur, Halaiya, P.S.- Goraul (Kathara O.P.), District- Vaishali.
2. Maimul Nisha @ Mamuna Nisha Wife of Late Md. Suleman Resident of Village- Mansurpur Halaiya, P.S.- Goraul (Kathara O.P.), District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar

For the Opposite Party/s : Mr. Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 22-02-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Goraul P.S. Case no. 378 of 2020 instituted for the offence punishable under Sections 304(B) of the Indian Penal Code.

As per allegation in the FIR, petitioners along with his family members have tortured in various ways due to non-fulfillment dowry demand and ultimately they killed her.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are brother-in-law and mother-in-law of the deceased and have been falsely implicated in this case. They have never demanded any thing from the deceased. They have no concern with the daily activity of the deceased



and her husband and are living separately. In fact, deceased died due to accidental fire. It appears from para 53 of the case diary that cause of death is due to cardiac failure due to burn injury. The sole responsibility to take care of wife is upon husband of the deceased and not against the family members of her husband. Husband is in custody since 30.9.2021.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Goraul P.S. Case no. 378 of 2020, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st Vaishali at Hajipur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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