

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26620 of 2022**

Arising Out of PS. Case No.-192 Year-2021 Thana- BEN P.S. District-
Nalanda

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1. Birendra Mistry, S/o Badari Mistry, R/o Village- Bhagwanpur, P.S.- Ben,
District- Nalanda
 2. Shanti Devi, W/o Birendra Mistry, R/o Village- Bhagwanpur, P.S.- Ben,
District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 05-09-2022 Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Raj Kishor Prasad, learned counsel for the
petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody
in connection with Ben P.S. Case No. 192 of 2021 registered for
the offence punishable under Sections 304B/34 of the Indian
Penal Code

As per prosecution case, it is alleged that the marriage
of the daughter of the informant was solemnized with co-
accused Sanjay Kumar on 15.06.2019. Soon after the marriage,



the victim was subjected to torture on account of non-fulfillment of demand of dowry. On 24.11.2021, the informant came to know that his daughter was done to death by poisoning for non-fulfillment of dowry.

Learned counsel appearing on behalf of the petitioners submits that from the F.I.R. it is evident that the victim was taken to Pawapuri Hospital by the Sasural people and she died in Emergency Ward in course of her treatment. It is next submitted that there is no specific allegation or any overt act against the petitioners, who happen to be the father-in-law and mother-in-law respectively of the deceased. He next submits that in fact on account of some altercation, which took place between the husband and the wife, the deceased consumed poison and thereafter she died and so far the husband of the deceased is concerned, he is already in custody. He lastly submits that the petitioners being the old father-in-law and mother-in-law are in custody since 05.03.2022, though the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand, learned APP for the State submits that there is allegation against the petitioners that they are responsible for demand of dowry and torture.

Regard being had to the facts that the death of the



deceased took place in the hospital during her treatment, coupled with the general and omnibus nature of allegation and the relation of the petitioners being the old father-in-law and mother-in-law, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M-I, Nalanda at Bihar Sharif in connection with Ben P.S. Case No. 192 of 2021 subject to the condition that one of the bailors will be the close relative 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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