

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43407 of 2021

Arising Out of PS. Case No.-73 Year-2019 Thana- PAROO District- Muzaffarpur

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1. Prabhu Ram S/o Late Etawari Ram Resident of Village and P.O.- Kamalpura Baradih, P.S.- Paroo, Dist- Muzaffarpur.
 2. Asha Devi w/o prabhu ram resident of village and p.o.- Kamalpura Baradih, P.S.- Paroo, Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-06-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Paroo P.S.
Case No. 73 of 2019 registered for the offence under Sections
304(B) and 34 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and
are in custody since 24.07.2020.

The allegation against the petitioners is to cause
dowry death of the deceased due to non-fulfillment of the dowry
demand.

Learned counsel appearing on behalf of the petitioners



submitted that both the petitioners are in-laws i.e., father-in-law and mother-in-law of the deceased and living in the same house. It has further been submitted that the allegation, as alleged, as regard to manner of fatal assault is appearing in contradiction with the finding of the post mortem report of the deceased, which suggest that the cause of death was hanging. It has also been submitted that at the time of the occurrence, both the petitioners were not available at home as they were outside in connection with their professional engagement. While concluding the argument, it has further been submitted that chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State duly assisted by learned counsel appearing on behalf of the informant while opposing the prayer for bail submitted that the cause of death is hanging as is evident from the post mortem report.

Considering the facts and circumstances as mentioned above, as the post mortem report suggests that deceased committed suicide in her matrimonial home and the petitioners, who are in-laws, were not available at home at the time of occurrence, let the petitioners, above named, are directed to be released on bail in connection with Paroo P.S. Case No. 73 of



2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate (West), Muzaffarpur, subject to the following conditions:

“(i) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Deepak Kumar, who is the son of the petitioners and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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