

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44903 of 2022

Arising Out of PS. Case No.-144 Year-2021 Thana- EKMA District- Saran

1. MUNNI KUNWAR @ MUNNI DEVI Wife of Ram Babu Prasad Resident of Village - Parsagarh, P.S.- Ekma, District - Saran at Chapra.
2. Abhishek Kumar Son of Ram Babu Prasad Resident of Village - Parsagarh, P.S.- Ekma, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar Tiwary, Advocate
For the Opposite Party/s	:	Mr. Ramchandra Sahni, A.P.P.
	:	Ms. Krishna Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-10-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 304(B) and 302 of the Indian Penal Code.

The informant alleges that he had married his daughter with Raju Prasad on 20.01.2017, further after marriage the accused persons including the petitioners started demanding dowry of Rs. 5 lacs and for non-fulfillment of the same the deceased was tortured in various ways and even was assaulted, it is further alleged that on



03.04.2021 the deceased informed the informant on phone that the accused persons were threatening her to oust her from her matrimonial home for non-fulfillment of the dowry demand, it is next alleged that on 04.04.2021 at around 10:00 AM the petitioner no. 1 informed the informant's wife on mobile that deceased is admitted in PMCH in a serious condition, accordingly, on 05.04.2021 the informant along with his family members reached PMCH where they found the deceased in a serious condition and was unable to speak and on the same day she died.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and are mother-in-law and brother-in-law of the deceased and have been falsely implicated in the present case, it is next submitted that as far as allegation of demand of dowry is alleged the same is ornamental in nature, it is also submitted that it absolutely does not stand to reason that if the petitioners had committed any offence with the deceased then definitely they would not have taken her for treatment in a government hospital and that too PMCH. Learned



counsel next submits that the conduct of the petitioners appears to be bonafide as they had taken the deceased to the hospital for treatment and even informed the wife of the informant which further reinforces the fact that the petitioners were genuinely trying to get the deceased treated at PMCH. Learned counsel further submits that the husband of the deceased was taken in custody and he has been granted regular bail by this Court by order dated 22.09.2022 in Criminal Misc. No. 33326 of 2022 and the case of the petitioner is on much better footing.

Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioners but are not able to meet the submission of the learned counsel for the petitioners that the petitioner No. 1 had informed the wife of the informant that deceased was ill and was taken to PMCH for treatment where they also on coming to know about the same reached and thereafter the deceased died.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial



court within a period of six weeks from today, be released on anticipatory 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 the learned trial court where the case is pending/successor court in connection with Ekma P.S. Case No. 144 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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