

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20880 of 2023

Arising Out of PS. Case No.-179 Year-2022 Thana- HASANPUR District- Samastipur

1. Kanti Devi @ Kranti Devi W/O Manibhushan Rai @ Khakho Rai Resident Of Village- Shasan, P.S. Hasanpur, Distt.- Samastipur, Bihar.
2. Manibhushan Rai @ Khakho Rai S/O Late Mokhtar Rai Resident Of Village- Shasan, P.S. Hasanpur, Distt.- Samastipur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Advocate
For the Opposite Party/s : Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners seek bail in connection with Sessions Trial No. 62 of 2023 arising out of Hasanpur P.S. Case No. 179 of 2022 registered on 08.07.2022 for the alleged offences under Sections 498(A), 304(B)/34 of the Indian Penal Code.

3. As per prosecution case, the daughter of the informant was married with co-accused Vinit Kumar Ray. The petitioners are the parents of the co-accused. Allegation against them is that of causing dowry death of the daughter of the informant on account of non-fulfillment of their demand of Rs.



2 lacs. Further allegation is that petitioners and other co-accused persons assaulted the daughter of the informant and after killing her, they tried to make it a case of suicide.

4. Learned counsel for the petitioners submit that the petitioners are innocent and have been falsely implicated in this case. The petitioners are the parents-in-law of the deceased and they have no concern with the family affairs of the deceased and her husband. Marriage was solemnized in the year 2012 and soon after the marriage the husband of the deceased started living separately after getting partition. The deceased was a short tempered and quarrelsome lady and she quarreled with her husband on the fateful night of 08.07.2022 and in the heat of moment, she committed suicide by hanging herself. Learned counsel further submits that informant contended that her daughter was killed by assaulting her with bricks and stones and she was subsequently hanged, but it is completely false and concocted, as from the perusal of the postmortem report of the deceased it is amply clear that no external injury has been found on the body of the deceased and the cause of death is stated to be asphyxia caused by hanging. Learned counsel further submits that daughter of the informant committed suicide. Moreover, the informant is not an eye-witness of the alleged occurrence and



the FIR has been registered merely on suspicion. Learned counsel further submits that from the perusal of the FIR, it also appears that the co-accused persons named from Serial No. 4-7 might be involved in the killing of the daughter of the informant. There is no allegation of demand of dowry or torture against the petitioners and the allegations are mostly general and omnibus in nature. The deceased and the son of the informant have got two male children aged about 7 year and 5 year, respectively, and this also shows there was no dispute between the petitioner's son and deceased. The co-accused son of the petitioner has been granted bail by the learned court below. The petitioners are in custody since 21.09.2022 and charge sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioners. Learned APP further submits that there is allegation against the petitioners for demand of dowry and causing death of the daughter of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there appears distinct lack of material against the petitioners and the allegations are mostly vague and omnibus and further considering their period of custody and submission



of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II, Rosera, Samastipur/court concerned in connection with Sessions Trial No. 62 of 2023 arising out of Hasanpur P.S. Case No. 179 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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