

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29406 of 2023

Arising Out of PS. Case No.-477 Year-2022 Thana- GORAUL District- Vaishali

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1. Dayanand Das, Son of Late Meghu Rai @ Meghu Das, R/O Village- Lodipur, P.O. And P.S.- Goraul, District- Vaishali
 2. Kamla Devi, Wife of Dayanand Das, R/O Village- Lodipur, P.O. And P.S.- Goraul, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and learned counsel for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Goraul P.S. Case No. 477 of 2022, registered on 28.10.2022 for the offences under Sections 304(B), 201 and 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. As per prosecution case, the daughter of the informant was married with the son of the petitioners, namely, Chhotu Das in the year 2016. The petitioners are father-in-law and mother-in-law of the deceased and allegation against them is that they along with other co-accused persons demanded a motorcycle and Rs. 5,00,000/- to the informant in the form of dowry. Petitioners and other co-accused persons threatened the informant that they would kill her daughter and make the dead body disappear. Later on the daughter of the



informant was killed and her dead body was disposed of without any trace.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is apparent from the FIR that it was a love marriage and the petitioners never interfered with the life of the deceased and her husband. The petitioners reside separately from the husband of the deceased and they have no concern with the deceased. The husband of the deceased is in custody. Even during investigation police found that the husband and wife were always fighting and it has also come during investigation that due to some altercation between husband and wife, the daughter of the informant, she consumed poison and while she was taken to the hospital, she died on the way to the hospital and co-accused husband disposed of her dead body. Even during investigation police also found that the names of other family members have been given under some village politics and they were exonerated but as the petitioners are parents-in-law, they have been made accused despite the fact that at the time of alleged occurrence they have not been present at the place of occurrence. In this regard a certificate of Ward Commissioner has also been annexed.

5. Learned APP opposes the prayer for bail submitting that there is specific allegation of dowry demand against the petitioners and other co-accused persons and the death of the daughter of the informant took place in the house of the petitioners



within seven years of marriage.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioners are stated to be the parents-in-law and also considering possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur/concerned court in connection with Goraul P.S. Case No. 477 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other 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, if so required by the learned trial court.

(Arun Kumar Jha, J)

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