

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37933 of 2023

Arising Out of PS. Case No.-210 Year-2022 Thana- PANDARAK District- Patna

1. Sonu Kumar @ Sonu Mahto Son of Rameshwar Mahto Resident of village - Kondi, P.S. - Pandarak, Distt. - Patna
2. Bhola Kumar @ Bhola Mahto Son of Rameshwar Mahto Resident of village - Kondi, P.S. - Pandarak, Distt. - Patna
3. Ram Kali Devi Wife of Rameshwar Mahto Resident of village - Kondi, P.S. - Pandarak, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Advocate

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2023 At the outset, learned counsel for the petitioners submits that during the pendency of the present application, the petitioner no. 1 got arrested and, as such, he is not pressing the application on behalf of the petitioner no. 1.

2. In view thereof, the application with regard to petitioner no. 1 stands dismissed as not pressed.

3. Heard Mr. Ashok Kumar Kashyap, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

4. The petitioner no. 2 happens to be *Bhaisur* of the deceased, whereas the petitioner no. 3 is mother-in-law who are apprehending their arrest in connection with Pandarak P.S. Case No. 210 of 2022 registered for the offence punishable under



Section 304(B)/34 of the Indian Penal Code.

5. It is alleged that the marriage of the daughter of the informant was solemnised with 'Shiv Shankar Kumar' four years ago, however, soon after the marriage she was subjected to demand of dowry and on account of non fulfillment of the same, she was done to death. It is further alleged that on 31.12.2022, he received an information that the deceased was killed by her in-laws family on account of non fulfillment of dowry, whereupon they rushed to her matrimonial house and saw the dead body.

6. Learned counsel appearing on behalf of the petitioners submits that the petitioner no. 2 is *Bhaisur* of the deceased, who has been residing separately and has no concern with the affairs of the deceased and her husband, apart from the fact that there is omnibus allegation against all the family members. He next submits that even as per the narration of the FIR, admittedly the information with regard to death of the deceased was given and it has been informed that cremation was conducted in presence of all the family members. He next submits that the petitioner no. 3 is a hapless old mother-in-law and she has no complicity in the present crime. He next submits that the deceased has also gave birth to three daughters, which also suggests that there was good relationship between the



husband and wife, however, on account of some trifling reasons between the husband and wife, it appears that the deceased herself committed suicide by hanging.

7. On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application.

8. Regard being had to the submissions made on behalf of the parties and considering the fact that petitioners no. 2 and 3 are *Bhaisur* and mother-in-law of the deceased respectively, and there is no specific allegation with regard to their involvement, apart from the fact that they are residing separately, let the above named petitioners, be released on bail, in the event of their arrest of surrender before the learned Court below within a period of four weeks from today, 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 Additional Chief Judicial Magistrate 1st Barh, Patna in connection with Pandarak P.S. Case No. 210 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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