

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19354 of 2023

Arising Out of PS. Case No.-119 Year-2017 Thana- CHAND District- Kaimur (Bhabua)

1. Dhanwati Devi @ Dhanwati Kumari Daughter of Kanhaiya Bind R/O- Vill- Chandosh, P.S.- Chand, Dist.- Kaimur At Bhabua
2. Raju Bind Son Of Kanhaiya Bind R/O- Vill- Chandosh, P.S.- Chand, Dist.- Kaimur At Bhabua
3. Kanhaiya Bind Son Of Late Tenger Bind R/O- Vill- Chandosh, P.S.- Chand, Dist.- Kaimur At Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Adv.
For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 15-06-2023 Heard Mr. Rajani Kant Pandey, learned counsel for
the petitioners and learned APP for the State.

The petitioners apprehend their arrest in connection with Chand P.S. Case No. 119 of 2017 registered for the offence punishable under Section 304B/34 of the Indian Penal Code.

It is alleged that the marriage of the niece of the informant was solemnized three years ago with the petitioner no.2. However, soon after the marriage, she was subjected to demand of dowry and, on non-fulfillment of the same, she was done to death by all the accused persons named in the FIR including the petitioners.



Learned counsel for the petitioners submits that the petitioner no.1 happens to be sister-in-law, whereas petitioner no.2 is the husband and petitioner no.3 is the father-in-law of the deceased. He further submits that from the FIR, it would be evident that the petitioner nos. 2 and 3 were residing at different place and, only on suspicion, the name of all the family members of the petitioners have been implicated in this case. Considering the aforementioned facts, the Investigating Officer has submitted Final Form, showing no complicity of the petitioners and they have not been sent up for trial. However, differing with the Final Form, the learned court below has taken cognizance for the offences as alleged in the FIR vide order dated 22.02.2022. He further submits that the petitioners have fair antecedent and they undertake that they will fully cooperate in the investigation and will not indulge in intimidating the witnesses or tampering with the evidence.

Per contra, learned counsel for the State vehemently opposes the pre-arrest bail application of the petitioners and submits that the complicity of the petitioners cannot be denied as the learned court below differing with the Final Form, has taken cognizance for the offence as alleged in the FIR.

Regard being had to the submissions made on behalf



of the parties and considering the fact that the petitioners were not sent up for trial after having found no complicity during investigation, coupled with the fair antecedent and the fact that during the course of investigation it has come that the deceased has committed suicide, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Kaimur at Bhabhua, in connection with Chand P.S. Case No. 119 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Harish Kumar, J)

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