

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37473 of 2022

Arising Out of PS. Case No.-41 Year-2021 Thana- SHIVSAGAR District- Rohtas

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1. Muniya Devi @ Hiramuni Devi Wife Of Kailash Ram Resident Of Village- Chhotki Chenari, P.S.- Shivsagar, District- Rohtas
 2. Jitendra Ram Son Of Kailash Ram Resident Of Village- Chhotki Chenari, P.S.- Shivsagar, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Prakash Singh, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

10 15-03-2023 Heard Mr. Jay Prakash Singh, learned counsel
appearing on behalf of the petitioner and Ms. Pushpa Sinha,
learned APP appearing on behalf of State.

2. The petitioner apprehends his arrest in connection
with Shivsagar P.S. Case No. 41 of 2021 registered under
Section 304(B)/34 of the Indian Penal Code.

3. The prosecution story, in brief, is that the informant
is the father of the deceased, solemnized marriage of her
daughter with one Dharmendra Ram in accordance with hindu
custom and rituals. The petitioners along with husband of the
deceased-Dharmendra Ram used to demand dowry and for non-
fulfillment of dowry they committed murder of the daughter of
the complainant.



4. Learned counsel appearing on behalf of the petitioners submitted that so far as petitioner nos. 1 and 4 are concerned they have been arrested. Learned counsel further submitted that petitioner no. 2 is the mother-in-law of the deceased and she is the only member in the family who is taking care of the three children of the deceased and petitioner no. 3 was not present on the alleged date of occurrence that is on 09.02.2021 as he was undergoing training with a private firm, namely, INARAT & SD Academy. In support of his statement he has brought, by way of Annexure-2, the certificate issued under the Authorized Signatory of INARAT & SD Academy, Mumbai. He further submitted that petitioner no. 2 who is the mother-in-law of the deceased had no role in the alleged murder and she is innocent.

5. Learned A.P.P. appearing on behalf of the petitioner has vehemently opposed the grant of pre-arrest bail to the petitioners.

6. Considering the specific statement made on behalf of the petitioner nos. 2 and 3, this Court prima facie finds that the three minor children of the deceased are left at the mercy of petitioner no. 2 who is taking due care of the three children, if the said fact is correct, as well as, the certificate issued by one-



INARAT & SD Academy, Mumbai is not forged then the petitioner nos. 2 and 3 seem to have made out a case to be granted pre-arrest bail.

7. The Court below is directed to obtain a report with regard to the certificate which has been annexed as Annexure-2 to the bail application issued by the authorized signatory of INARAT & SD Academy, Mumbai with respect to its genuinty and if it is found the same is genuine and not a forged one then the petitioner no. 3 will not be granted privilege of pre-arrest bail on such terms and conditions fixed by the Court below and conditions under Section 438(2) Cr.P.C.

8. Court below is directed to release the petitioner no. 2 on anticipatory bail, in the event of his 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) with two sureties of the like amount each, to the satisfaction of learned A.C.J.M., Sasaram in connection with Shivsagar P.S. Case No. 41 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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