

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37944 of 2023

Arising Out of PS. Case No.-218 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Madan Kumar Jha @ Madan Jha, Son of Late Upendra Jha, R/o Vill Khori Laguniya Suryakanth Ward No 16, PS Muffasil, Distt- Samastipur
 2. Shail Devi @ Sail Devi, Wife of Madan Kumar Jha @ Madan Jha R/o Vill Khori Laguniya Suryakanth Ward No 16, PS Muffasil, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-07-2023 Heard Mr. Bijay Bhushan Prasad, learned counsel
for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Samastipur Muffasil P.S. Case No. 218 of 2022 registered for the offences punishable under Section 304B of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. It is alleged that the marriage of the daughter of the informant was solemnized with the son of the petitioners in the year 2015. However, soon after the marriage, she was subjected to demand of dowry and on non-fulfillment of the same, she was administered poison, which resulted into her death.

4. Learned counsel for the petitioners submits that



from narration of the FIR, it is evident that from the wedlock of the deceased and her husband, two children were born, one male child aged about five years and another is female child aged about three years, which suggest that there had been a cordial relationship between them. He further submits that, in fact, on the alleged date of occurrence, on account of some petty dispute, the victim and her husband entered into heated exchange of words and, thereafter, the deceased by closing herself in a room consumed poison. The victim was taken to Sadar Hospital, Samastipur, where she declared brought dead. He next submits that even from the impugned order, which has taken note of the inquest report and postmortem, it is evident that there is no external injuries found on the dead body of the deceased and, as such, the allegation of brutally assaulting the deceased before administering poison levelled by the informant is completely false. He also submits that the petitioners being parents-in-law of the victim had no concern with the affairs of the deceased and her husband and they undertake that they will fully cooperate in the trial. The petitioners bear no criminal antecedent.

5. On the other hand, learned counsel for the State opposes the application for grant of pre-arrest bail and submits



that the death has taken place within seven years of marriage and soon before her death, the deceased was subjected to cruelty over the demand of dowry. Hence, the presumption goes against the petitioners and they do not deserve pre-arrest bail.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners are parents-in-law and the son-in-law of the of the informant had already surrendered and behind the bar, coupled with the fact that there is no external injuries found in the cadaver of the deceased, 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 Additional Chief Judicial Magistrate-II, Samastipur, in connection with Samastipur Muffasil P.S. Case No. 218 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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