

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46617 of 2023

Arising Out of PS. Case No.-107 Year-2023 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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1. Chana Devi @ Rekha Devi Wife of Aklu Chaudhary @ Akaldev Chaudhary
R/o Village - Agardah Kathdumar, P.S.- Simari Bakhtiyarpur, District -
Saharsa
 2. Aklu Chaudhary @ Akaldev Chaudhary Son of Late Dularchand Chaudhary
R/o Village - Agardah Kathdumar, P.S.- Simari Bakhtiyarpur, District -
Saharsa
 3. Sudhir Chaudhary Son of Aklu Chaudhary @ Akaldev Chaudhary R/o
Village - Agardah Kathdumar, P.S.- Simari Bakhtiyarpur, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-09-2023 Heard Mr. Shiva Shankar Sharma, learned counsel

appearing on behalf of the petitioners and learned Additional

Public Prosecutor for the State.

2. The petitioners no. 1 and 2 happen to be the
parents-in-law whereas petitioner no. 3 is the brother-in-law,
who are apprehending their arrest in connection with Simari
Bakhtiyarpur (Kanaria O.P.) P.S. Case No. 107 of 2023,
registered for the offences punishable under Sections 302,
304(B), 201/34 of the Indian Penal Code.

3. It is alleged that the marriage of the daughter of the



informant was solemnised with the son of petitioners no. 1 and 2 five 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 by the accused persons, including the petitioners.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners no. 1 and 2 are parents-in-law who have been residing separately soon after the marriage and so far the petitioner no. 3 is concerned, he has no concern with the affairs of the deceased and her husband. He next submits that in fact the alleged occurrence took place on 08.03.2023 whereafter the FIR has been instituted on 11.03.2023. That apart, during the course of investigation no incriminating material has been recovered suggesting that the deceased was burnt to death. He also submits that in fact the deceased died on account of her illness and thereafter the husband of the deceased has informed the family members whereupon the petitioners and others reached at her house and cremation has been made in presence of the family members but later on account of some instigation made by unscrupulous person, the present FIR has been instituted. He drew the attention of this Court to the FIR and submits that there is no



specific allegation against the petitioner of any demand of dowry. He lastly submits that the husband of the deceased has been incarcerated since 22.05.2023 and moreover the petitioners undertake that they will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned counsel for the State vehemently opposes the bail application and submits that the petitioners are parents-in-law and brother-in-law respectively and their complicity cannot be denied.

6. Regard being had to the submissions made on behalf of the parties and considering the submission that the petitioners have been separate in their mess and business and the husband of the deceased is already behind the bar, apart from their undertaking, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Simari Bakhtiarapur (Kanaria O.P.) P.S. Case No. 107 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the



further condition that one of the bailors shall be the own/close
family members of the petitioners.

(Harish Kumar, J)

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