

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57799 of 2023

Arising Out of PS. Case No.-224 Year-2023 Thana- KARAHGAR District- Rohtas

1. Gauri Shankar Singh S/o Late Sukhnandan Singh (Father-in-law of deceased) R/o Village- Maudihara, P.S- Kargahar (Badhari O.P.), Distt.- Rohtas At Sasaram.
2. Krishna Devi W/o Gauri Shankar Singh (Mother -in-law of deceased) R/o Village- Maudihara, P.S- Kargahar (Badhari O.P.), Distt.- Rohtas At Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Advocate
For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-09-2023 Heard learned counsel for the petitioners, learned counsel for the State as well as learned counsel appearing on behalf of the informant.

2. In the present case, the petitioners are apprehending their arrest in connection with Kargahar (Badhari O.P.) P.S. Case No. 224 of 2023, registered on 16.06.2023 for the offences under Sections 304(B)/34 of the Indian Penal Code.

3. As per prosecution case, the daughter of the informant was married with co-accused Rahul Kumar in the year 2021. Petitioners are the parents of co-accused Rahul



Kumar and allegation against the petitioners and other co-accused persons is of torturing the daughter of the informant and treating her with cruelty on account of dowry demand. Further allegation is that when the demand was not fulfilled, they strangled the daughter of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. There is general and omnibus allegation against all the accused persons including the petitioners and no specific allegation of overt act has been attributed to the petitioners. The specific allegation is against co-accused Rahul Kumar who threatened the informant on mobile and demanded Rs.Five lakhs as dowry. The petitioners never demanded any dowry and though specific allegation was against co-accused Rahul Kumar, the petitioners and all their family members including the married daughter and son-in-law have also been implicated in this case. The allegation against the accused persons is further not believable on account of the fact that deceased was having a baby girl of 14 months and this fact has been mentioned in the FIR itself. Learned counsel further submits that the petitioners have been residing separately from co-accused Rahul Kumar from six months prior to the occurrence. Even the postmortem



report shows the cause of death to be asphyxia due to hanging and it does not support the prosecution case about strangulation of the deceased. In fact, the deceased on her own has committed suicide and informant has falsely implicated all the family members of petitioners in this case, otherwise there is no cogent material against the petitioners.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioners. Learned counsel for the informant submits that the petitioners have been named in the FIR for causing dowry death of the daughter of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioners are parents-in-law of the deceased and allegations are not specific and further considering the possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram/concerned court in connection



with Kargahar (Badhari O.P.)_P.S. Case No. 224 of 2023,
subject to the condition as laid down under Section 438(2) of
the Code of Criminal Procedure and other following
conditions :

(i) One of the bailors will be a close relative
of the petitioners.

(ii) The petitioners will remain present on
each and every date fixed by the court below,
if so required by the learned trial court.

(Arun Kumar Jha, J)

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