

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61931 of 2023

Arising Out of PS. Case No.-173 Year-2023 Thana- PARBATTa District- Khagaria

1. Ramashish Jha S/O Late Gore Lal Jha @ Kamleshwari Jha R/O Village- Kabela, P.S- Parbatta, Distt.- Khagaria.
2. Renu Devi W/O Sri Ramashish Jha R/O Village- Kabela, P.S- Parbatta, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 62030 of 2023

Arising Out of PS. Case No.-173 Year-2023 Thana- PARBATTa District- Khagaria

Rajiv Ranjan Jha S/O Sri Ramashish Jha R/O Village- Kabela, P.S- Parbatta, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 61931 of 2023)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mrs. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Singh Shastri, APP
(In CRIMINAL MISCELLANEOUS No. 62030 of 2023)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mrs. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Singh Shastri, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are
apprehending their arrest in connection with Parbatta P.S. Case



No. 173 of 2023, registered on 20.04.2023 for the offences under Sections 304B/34 of the Indian Penal Code.

3. As per prosecution case, the informant gave a written report to the police about dowry death of his daughter and informant alleged that petitioners caused dowry death on account of non-fulfillment of their demand of Rs.Ten lakhs and 50 gms gold. Petitioners are parents-in-law and the husband of the deceased, respectively.

4. Learned counsel for the petitioner submits that the petitioners are innocent and have falsely been implicated in this case. No occurrence as alleged has ever taken place. Out of the wedlock of the petitioner Rajiv Ranjan Jha with the daughter of the informant there are two sons and it was a happy marriage. Learned counsel further submits that there has never been any demand and no material was found by the police during investigation by the police. There was no torture or cruelty related to any dowry demand. The allegation of dowry demand is quite vague. Learned counsel further submits that there was an accidental fire in which the daughter of the informant suffered burn injury and she died subsequently. It is apparent from the documents filed on record that while extinguishing the fire, the husband of the deceased received burn injury and it was



the father-in-law of the deceased, who took the deceased and her husband to the hospital where the deceased died. The mother-in-law of the deceased is bed ridden. Learned counsel further submits that the further statement of the parents of the deceased was recorded by the police during investigation and they have denied giving any written report to the police against the petitioners. The death certificate issued by the hospital which treated the deceased mentions type of death to be accidental. Having realized the mistake, the informant filed a petition on affidavit in the court of learned Additional Sessions Judge-VI, Khagaria and Sub-divisional Judicial Magistrate, Khagaria stating the occurrence to be an accidental death.

5. Learned APP opposes the submissions made on behalf of the petitioners. Learned APP submits that there has been allegation of dowry demand of Rs.ten lakhs and 5 bhars of gold and further the death has been caused within seven years of marriage.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact about changing of statement of the informant absolving the petitioners and also considering possibility of false implication, 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 Sub-divisional Judicial Magistrate, Khagaria/concerned court in connection with Parbatta P.S. Case No. 173 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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