

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62929 of 2023

Arising Out of PS. Case No.-52 Year-2023 Thana- GWALPARA District- Madhepura

1. Suresh Saw son of Late Banarsi Saw Village- Ramganj W.No-8, Ps- Gwalpara Dist- Madhepura
2. Rajni Devi wife of Suresh Saw Village- Ramganj W.No-8, Ps- Gwalpara Dist- Madhepura
3. Niraj Kumar son of Suresh Saw Village- Ramganj W.No-8, Ps- Gwalpara Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Patla Kumari, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-10-2023 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor for the State.

2. At the outset, learned counsel for the petitioners submits that during the pendency of the application, the petitioner no. 2 has died and, as such, the application with regard to petitioner no. 2 has become infructuous. She further submits that so far petitioner no. 3 is concerned, on the instruction of her client, she seeks permission to withdraw the application on behalf of petitioner no. 3. Accordingly, the application on behalf of petitioner no. 3 stands dismissed as



withdrawn.

3. Now, the present petition only relates to petitioner no. 1., who apprehends his arrest in connection with Gwalpara P.S. Case No. 52 of 2023, registered for the offences punishable under Sections 304(B), 34, 120(B) of the Indian Penal Code.

4. Allegedly the marriage of the daughter of the informant was solemnized with the son of petitioner no. 1 on 08.08.2019, however, on account of non fulfillment of dowry, she was done to death by all the FIR named accused persons.

5. It is submitted on behalf of petitioner no. 1 that the petitioner no. 1 happens to be the father-in-law of the deceased, who is aged about 77 years old, and though the information with regard to the alleged occurrence has been given on the same day i.e., 26.03.2023 but the present FIR has been instituted on 28.03.2023. That apart, the petitioner no. 1 has no concern with the affairs of the deceased and her husband. It is also submitted that on the alleged date of occurrence, as the petitioner no. 2 had been suffering from ailment, hence the petitioner no. 1 was accompanied her, where during course of treatment, the wife (petitioner no. 2) of petitioner no. 1 died in the Nursing Home at Saharsa.

6. On the other hand, learned counsel for the State



opposes the bail application and submits that the death has taken place just within four years of marriage in unnatural circumstances, preceding the demand of dowry, the presumption of dowry death cannot be ruled out.

7. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the fact that the petitioner no. 1, who is an old father-in-law having fair antecedent, let the petitioner no. 1, abovenamed be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Udakishunganj, Madhepura or his successor court, in connection with Gwalpara P.S. Case No. 52 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 petitioner no. 1.

(Harish Kumar, J)

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