

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64773 of 2023

Arising Out of PS. Case No.-204 Year-2023 Thana- KATORIYA District- Banka

1. Congress Yadav Son Of Late Mathori Yaav Resdient Of Village- Mohpatta (RIKHIYARAJDAH), P.S Katoria, District Banka
2. Manju Devi Wife Of Congress Yadav Resdient Of Village- Mohpatta (RIKHIYARAJDAH), P.S Katoria, District Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Singh, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-10-2023 Heard Mr. Om Prakash Singh, learned counsel

appearing on behalf of the petitioners and learned Additional

Public Prosecutor for the State.

2. The petitioners happen to be parents-in-law of the deceased apprehending their arrest in connection with Katoriya P.S. Case No. 204 of 2023, registered for the offences punishable under Section 304 (B) / 34 of the Indian Penal Code.

3. Allegedly, the marriage of the daughter of the informant was solemnized with the son of the petitioner in the year 2021. 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 petitioners and their son. It is



also alleged that on 13.06.2023, the informant was informed that his daughter has died on account of snake biting and thereafter when they came and inquired the matter they found that she was killed by all the accused persons by administering poison.

4. It is submitted on behalf of the petitioner that the petitioners are parents-in-law aged about 88 years and 67 years respectively have no concern with the affairs of the deceased and her husband. He further submits that admittedly, the information with regard to the death of the deceased was given to her parents and thereafter, she was taken to Sadar Hospital Deoghar where she died during the course of treatment. He further submits that in fact, the deceased died on account of snake biting and this fact also strengthen as no visible external injury has been found over the body of the deceased and after having found no cause of death viscera has been send to the FSL. He last submits that the husband of the deceased against whom the entire thrust of allegation has been levelled is behind the bar.

5. On the other hand, learned counsel for the State vehemently opposes the bail application and submits that specific allegation has been levelled against the petitioners. That apart the allegation the death has taken place within 7 years of



marriage under unnatural circumstances preceding the allegation of demand of dowry and as such the petitioners cannot escape from the presumption of causing dowry death.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that during the course of post mortem no external injuries have been found. That apart the petitioners are parents-in-law, 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, Banka in connection with Katoriya P.S. Case No. 204 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.

(Harish Kumar, J)

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