

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65223 of 2022

Arising Out of PS. Case No.-220 Year-2021 Thana- NAYAGAON District- Saran

1. Baby Devi W/o Jitendra Singh @ Jitendra Kumar Singh R/o Village- Sheikh Dumri, P.S.- Nayagaon, Distt- Saran.
2. Jitendra Singh @ Jitendra Kumar Singh S/o Yogendra Singh R/o Village- Sheikh Dumri, P.S.- Nayagaon, Distt- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Advocate
For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-04-2023 Heard learned counsel for the petitioners and learned
counsel for the State.

In this case, the petitioners are apprehending their arrest in connection with Nayagaon P.S. Case No. 220 of 2021, registered for the offences under Sections 304B, 302 & 201/34 of the Indian Penal Code.

As per prosecution case, the petitioners are parents-in-law of the deceased daughter of the informant and allegation against them is that of demanding dowry and for non-fulfillment of the same, causing dowry death of the daughter of the informant and burning the dead body in order to conceal the evidence.

Learned counsel for the petitioners submits that the



petitioners are innocent and have been falsely implicated in this case and they have committed nothing wrong. In Sessions Trial No. 290 of 2022 the husband of the deceased has been tried, but the informant did not support his case. He rather stated that his daughter was being kept in her matrimonial home with due regard and he was informed about the death of his daughter and he participated in the last rites of his daughter and no dowry was ever demanded. The informant has further stated before the learned trial court that his daughter was pregnant and during the course of treatment she died. On the basis of the statement of the informant along with other witnesses, the son-in-law of the informant, i.e., husband of the deceased was acquitted, vide judgment dated 29.08.2022 passed by learned Additional Sessions Judge-V, Saran at Chapra in Sessions Trial No. 290 of 2022. Moreover, there is no specific allegation against the petitioners and the allegation of dowry demand is false.

Learned APP opposes the prayer for anticipatory bail submitting that the deceased was done to death for non-fulfillment of the dowry demand.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that since the informant contradicted his case before the



learned trial court in his deposition in which the main accused, the husband of the deceased, has been acquitted, cast a doubt over prosecution case against the petitioners, 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.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra/concerned court in connection with Nayagaon P.S. Case No. 220 of 2021, 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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