

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16508 of 2024

Arising Out of PS. Case No.-129 Year-2021 Thana- BANIAPUR District- Saran

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1. Chhotu Thakur @ Chhathu Thakur S/O- Late Bilas Thakur R/O- Village- Chorauwa, P.S.- Baniyapur, Dist.- Saran At Chapra.
 2. Rita Devi W/O- Chhathu Thakur R/O- Village- Chorauwa, P.S.- Baniyapur, Dist.- Saran At Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nirmala Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 08-05-2024 Learned counsel appearing on behalf of the petitioners

submits that petitioner no. 2 has been arrested during the pendency of the present petition and seeks permission to withdraw the present petition of petitioner no. 2.

2. Permission is accorded.

3. Accordingly, application of petitioner no. 2, namely, Rita Devi is dismissed as withdrawn.

4. Heard learned counsel for the petitioner no. 1 and learned APP for the State.

5. In this present case, the petitioner no. 1 is apprehending his arrest in connection with Baniyapur P.S. Case No. 129 of 2021, registered on 19.04.2021 for the offences under Sections 304(B) and 34 of the Indian Penal Code.

6. As per prosecution case, the petitioner is the father-in-law of the deceased daughter of the informant and allegation against the petitioner and his co-accused wife is that of

demanding dowry and torturing the daughter of the informant and subsequently causing her death within seven years of marriage.

7. Learned counsel appearing on behalf of the petitioner no. 1 submits that petitioner is father-in-law of the deceased daughter of the informant and is aged about seventy years. The petitioner has falsely implicated in this case and he has not committed any offence. From the F.I.R. itself it is evident that there is general and vague allegation without any specific detail. None of the witnesses have supported the prosecution case who were examined by police during investigation. The daughter-in-law of the petitioner died due to some ailment and she was taken to hospital for treatment. From the post mortem report it appears that there is no foul play and viscera has been preserved. The witnesses examined during investigation has also stated about death being caused due to illness or during pregnancy. The husband of the deceased has not been made accused in the present case.

8. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioners. However, learned A.P.P. concedes that the witnesses have not supported the prosecution case and post mortem report also shows death was

not caused due to any external injury or apparent cause as viscera has been preserved.

9. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the strong possibility of false implication, let the petitioner no. 1, namely, Chhotu Thakur @ Chhathu Thakur, in the event of his 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. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Saran at Chapra/concerned court in connection with Baniyapur P.S. Case No. 129 of 2021, subject to the conditions 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 petitioner.
- (ii) The petitioner 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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