

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15994 of 2024

Arising Out of PS. Case No.-449 Year-2023 Thana- RAXAUL District- East Champaran

1. Luvkush Mahto @ Luvkush Dhangar Son of Late Paras Manjhi @ Paras Dhangar Resident of Village- Laxmipur Dhangar Toli Mansa Mai Sthan, P.S.- Raxaul, District- East Champaran
2. Ratan Dhangar @ Ratan Mahto Son of Late Paras Manjhi @ Paras Dhangar Resident of Village- Laxmipur Dhangar Toli Mansa Mai Sthan, P.S.- Raxaul, District- East Champaran
3. Bindu Devi @ Bindi Devi Wife of Luvkush Dhangar @ Luvkush Mahto Resident of Village- Laxmipur Dhangar Toli Mansa Mai Sthan, P.S.- Raxaul, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Rashmi Jha, Advocate
For the Opposite Party/s	:	Mr. Raj Kishor Singh, APP
For the Informant	:	Mr. Karandeep Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-03-2024 Heard Ms. Rashmi Jha, learned counsel appearing on behalf of the petitioners, Mr. Karandeep Kumar, learned counsel for the informant and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Raxaul P.S. Case No. 449 of 2023, registered for the offences punishable under Section 304 (B)/34 of the Indian Penal Code.

3. The marriage of the daughter of the informant was solemnized with co-accused Robin Dhangar about three years



ago. Allegedly, at the time of marriage, sufficient dowry and gifts were given, however, the accused persons continued demanding dowry and on account of non fulfillment of the same, she was subjected to cruelty and torture. On 08.10.2023, the informant received information that her daughter is seriously ill and when the informant reached there, he found that his daughter was done to death by pressing her neck.

4. The petitioner nos. 1 and 2 are brothers of the husband of the deceased whereas, petitioner no. 3 is wife of petitioner no. 1. It is submitted that the petitioners have no concern with the affairs of the deceased and her husband, who were residing separately. There is omnibus nature of allegation against all the family members and during the course of investigation, it has come that the deceased died on account of asphyxia due to hanging caused by ligature materials, however, no external injuries have been found over the body of the deceased. It is lastly submitted that the petitioners bear no criminal antecedent and they undertake that they will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State as well as the informant opposed the pre-arrest bail application and submits that admittedly, the deceased was done to death within



seven years of marriage and prior to the occurrence, there was a demand for dowry and, as such, the petitioners being family members cannot be absolved from their criminal liability of causing dowry death.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners are brothers-in-law and sister-in-law of the deceased and as per the submissions they have been residing separately, apart from there being no specific allegation, let the petitioners above named 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 Sub-Divisional Judicial Magistrate, Raxaul, Motihari, East Champaran in connection with Raxaul P.S. Case No. 449 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 petitioners.

(Harish Kumar, J)

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