

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16003 of 2024

Arising Out of PS. Case No.-77 Year-2023 Thana- SUIYA District- Banka

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1. Urmila Devi @ Sumitra Devi wife of Ghanshyam Rana Village- Paharpur Ps- Suiya Dist- Banka
 2. Ghanshyam Rana son of Sahadev Rana Village- Paharpur Ps- Suiya Dist- Banka
 3. Pradeep Rana son of Ghanshyam Rana Village- Paharpur Ps- Suiya Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

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

2. Petitioner nos. 1 and 2 happens to be parents-in-law, whereas petitioner no. 3 is brother-in-law of the deceased and they are apprehending their arrest in connection with Suiya P.S. Case No. 77 of 2023, registered for the offences punishable under Sections 302, 120(B) of the Indian Penal Code.

3. The prosecution case is based on the written report of the informant alleging therein that the marriage of his daughter was solemnised seven years ago with the son of petitioners no. 1 and 2. However, the deceased was subjected to torture at the hands of her husband and other family members.



Further allegation has been levelled that earlier the deceased had disclosed the fact that her husband has developed some illicit relationship with a lady and when a protest was made she was tortured and threatened with dire consequences. On 04.05.2023, the husband of the deceased and his cousin along with two other persons had come to the *mayka* of the deceased and took her away with an assurance that no untoward incident would happen, however, subsequent thereto, the informant came to know that she was done to death by hanging.

4. It is submitted on behalf of the petitioners that apart from the petitioners being old parents-in-law and brother-in-law, from the narrations made in the FIR, the entire allegations revolve around the husband, who is behind the bar. Moreover, during the course of investigation, the post-mortem was done and no external injury was found over the body of the deceased and cause of death is said to be hanging. Further submission has been made that the petitioners had no connection with the affairs of the deceased and her husband and it is the fact that the death has taken place after seven years of marriage and as such no presumption of dowry death would arise.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the death has taken



place within the residential house of the petitioners and, as such, their complicity cannot be denied.

6. Regard being had to the submissions made on behalf of the parties and considering the specific nature of accusation against the husband, who is behind the bar and the petitioners are parents-in-law and brother-in-law, coupled with the cause of death shown to be hanging, 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 Suiya P.S. Case No. 77 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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