

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33292 of 2024

Arising Out of PS. Case No.-797 Year-2023 Thana- MASAUDHI District- Patna

1. Bihari Yadav Son Of Vijay Yadav Resident Of Chandchak, Lahsuna, P.S. - Masaurhi, District - Patna
2. Rinku Devi Wife Of Bihari Yadav Resident Of Chandchak, Lahsuna, P.S. - Masaurhi, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Singh, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-05-2024

Heard the parties.

2. The petitioners apprehend their arrest in connection with Masaurhi (Lahsuna O.P.) P.S. Case No. 797 of 2023 for the offence registered under section 341, 323, 498(A), 304(B)/34 of the I.P.C. and $\frac{3}{4}$ of the D.P. Act lodged on 12.11.2023 by the informant, Kamindra Prasad.

3. As per the prosecution story, the informant alleged that his daughter was married to Chandan Yadav but was always tortured for dowry and on 10.11.2023 came to know about her death. Accordingly, the F.I.R.

4. Learned counsel for the petitioners submits that it was a natural death, the husband surrendered and is in custody since 15.03.2024 (paragraph 13 of the petition) and further, the two petitioners are mother-in-law and father-in-law, living separately having no role to play.



5. Learned counsel for the informant, on the other hand, has provided copy of the order-sheet dated 16.04.2024 to show that the process under Section 82 of the Cr.P.C. has been issued against these petitioners.

6. Considering although the petitioners are parents-in-law, the husband is in custody there is averment that they were living separately having no role to play, the lady received injury due to fall from the staircase on the sole ground that process under Section 82 of the Cr.P.C. has been issued against them, this Court is unable to extend the relief to them.

7. The anticipatory bail application stands rejected.

8. However, if the petitioners surrender within four weeks from today, the Court concerned shall take notice of the fact that the husband is in custody, they are aged parents-in-law having no criminal antecedent and living separately as submitted and shall dispose of the petition on the same day when it is filed.

(Rajiv Roy, J)

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