

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.779 of 2024

Arising Out of PS. Case No.-111 Year-2022 Thana- JAMHOR District- Aurangabad

1. Manindra Kumar @ Mamrendra Kumar @ Manindra Singh Son Of Jagdish Singh Resident Of Sadipur Dihri, P.S. Obra, District- Auraagabad (Bihar)
2. Dashrath Singh Son Of Jagdish Singh Resident Of Sadipur Dihri, P.S. Obra, District- Auraagabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 40387 of 2024

Arising Out of PS. Case No.-111 Year-2022 Thana- JAMHOR District- Aurangabad

1. Pintu Singh Son of Dukhi Singh Resident of Village - Dhangai, P.S. - Jamhore, District - Aurangabad (Bihar)
2. Mukhdev Singh Son of Late Tulsi Singh Dhangai, P.S. JamhoreResident of Village - Dhangai, P.S. - Jamhore, District - Aurangabad (Bihar)
3. Phulendra Kumar @ Purendra Kumar Son of Mukhdev Singh Resident of Village - Dhangai, P.S. - Jamhore, District - Aurangabad (Bihar)
4. Rinku Kumar Son of Late Dukhi Singh Resident of Village - Dhangai, P.S. - Jamhore, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 779 of 2024)
For the Petitioner/s : Ms. Leelawati Kumari, Advocate
Mr. Aman Vishal, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP
(In CRIMINAL MISCELLANEOUS No. 40387 of 2024)
For the Petitioner/s : Ms. Leelawati Kumari, Advocate
Mr. Aman Vishal, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 28-06-2024 Since both the applications arise out of Jamhore P.S.



Case No. 111 of 2022, as such, they have been taken up together and are being disposed of by this common order.

02. Heard learned counsel for the petitioners and learned APPs for the State.

03. In this present case, the petitioners are apprehending their arrest in connection with Jamhore P.S. Case No. 111 of 2022, registered on 08.05.2022 for the offences under Sections 304B, 201 and 120B/34 of the Indian Penal Code.

04. As per prosecution case, marriage of the daughter of the complainant/informant was solemnized with son of co-accused Radhika Kunwar, namely, Ramesh Singh. Allegation against the petitioners is that they used to demand a gold chain and Rs. 50,000/- in dowry from the daughter of the informant and on non-fulfillment of their demand, under a conspiracy, they administered poison to the daughter of the informant and killed her.

05. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Petitioner-Manindra Kumar is son-in-law of co-accused Urmila Devi, who is sister-in-law of the deceased and petitioner-Dashrath Singh is the brother of petitioner-Manindra



Kumar. Petitioner-Pintu Singh is brother-in-law of the deceased and other petitioners are co-villagers. Allegations are general, vague and omnibus. Petitioners never demanded any dowry and never assaulted the deceased on this account. The FIR has been registered after delay of two months for which there is no explanation. Real facts of the case is that the deceased had been suffering from AIDS and she died due to said disease and the informant falsely implicated the family members of the matrimonial home of the deceased. The police after investigation, submitted final form against the accused persons including the petitioners due to lack of evidence. No offence under Section 304B and other allied sections of IPC is made out against the petitioners. However, learned ACJM-III, Aurangabad, after receiving the final form, vide order dated 13.06.2023 took cognizance under Sections 304B, 201, 120B and 34 of IPC against the petitioners and other co-accused persons. It is evident from the complaint petition that the informant joined the last rites of his daughter. The petitioners have got no criminal antecedent.

06. Learned APP opposes the prayer for anticipatory bail.

07. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the completely vague nature of allegations against the petitioners and also considering the possibility of false implication, 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. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Aurangabad (Bihar)/concerned court in connection with Jamhore P.S. Case No. 111 of 2022, 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 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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