

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37954 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- RUNISAIDPUR District- Sitamarhi

1. Md Gaffar Rain@ Md.Gaphar S/o Late Jahruddin Rain Resident of Village-Baligarh, P.S.-Runnisaidpur, District-Sitamarhi
2. Wahab Rain @ Wahab Rine S/o Md. Gaffar Rain Resident of Village-Baligarh, P.S.-Runnisaidpur, District-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaidehi Raman Prasad Singh, Adv.
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. In the present case, the petitioners seek bail in connection with Runnisaidpur P.S. Case No. 37 of 2024, registered for the offences under Sections 304 B and 34 of the Indian Penal Code.

3. As per the prosecution case, daughter of the informant was married with co-accused Md. Mustak Rain who informed the informant on 30.01.2024 about death of his daughter. The allegation against the petitioners, who are the father-in-law and the brother-in-law of the deceased, and other co-accused persons is that of demanding Rs.5,00,000/- as dowry

and torturing and treating the daughter of the informant with cruelty and they caused dowry death of the daughter of the informant.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. It is apparent from the F.I.R. that informant was given information about death of his daughter by the husband of the deceased himself. The petitioners lived separate from the husband of the deceased and the deceased was suffering from chronic illness of bowel perforation with peritonitis which led to her death by cardiac respiratory failure. This shows the allegation against the petitioners are completely false and concocted. The petitioners are in custody since 12.03.2024. The petitioners are having clean antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioners. Learned A.P.P. submits that it is a case of dowry death and allegations are against the petitioners and other co-accused persons.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the post-mortem report which shows the death of the deceased due

to chronic illness subject to bowel perforation with peritonitis, the petitioners are directed to 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 C.J.M., Sitamarhi/concerned court, in connection with Runnisaidpur P.S. Case No. 37 of 2024, subject to the condition laid down under Section 437(3) 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 below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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