

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45127 of 2024

Arising Out of PS. Case No.-41 Year-2023 Thana- KURLIKOT District- Kishanganj

1. Meera Devi W/o Dhiren Malakar R/o vill - Bhaishloti, P.S. - Kurlikot, Distt. - Kishanganj
2. Dhiren Malakar@Dhiran Malakar S/o Faggu Malakar R/o vill - Bhaishloti, P.S. - Kurlikot, Distt. - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Kurlikot P.S. Case No. 41 of 2023 registered for the offences punishable under Sections 302, 304(B)/34 of the Indian Penal Code.

3. As per prosecution case, the accusation against the accused petitioners is of causing death of the Informant's sister by strangulation or by administering poison due to non-fulfillment of dowry demand.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as



alleged against them and have falsely been implicated in the present case. He further submits that the petitioner no.1 is the mother-in-law and petitioner no.2 is the father-in-law of the deceased and have neither demanded dowry nor tortured the deceased in any manner. The Informant is not the eye-witness to the alleged occurrence. The police, after completion of investigation, have submitted final form against the petitioners bearing charge sheet no. 68/23 dated 18.08.2023 but, the learned court below, differing with the same, took cognizance by order dated 01.11.2023 against the petitioners under Sections 304(B)/34 of the I.P.C. The husband of the deceased has already been granted bail by this Court itself vide order dated 07.05.2024 passed in Cr. Misc. No. 71618 of 2023. Nothing has come against the petitioners against the petitioners to have participated in the alleged commission of offence. There is no specific or direct allegation of any overt act against the petitioners rather the same are general and omnibus in nature. The petitioners have no criminal antecedent as has been stated in paragraph no.3 of the present application.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the entire facts and circumstances of



the case and taking into account the submissions made by the learned counsel for the petitioners as also there being no direct allegation against the petitioners, let the petitioners above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kurlikot P.S. Case No. 41 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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