

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6755 of 2017

Arising Out of PS.Case No. -33 Year- 2015 Thana -SAMHO District- BEGUSARAI

- =====
1. Arbind Sah, Son of Ramdhani Sao @ Arbind Sao,
 2. Arjun Sao @ Arjun Sah @ Gangu Sao, Son of Ramdhani Sao @ Arbind Sao, Both are residents of Sonbarsa, P.S.- Samho, District- Begusarai.
- Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate
For the Opposite Party/s : Smt. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 13-04-2017 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The Petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 304B/201/34 of the Indian Penal Code.

The petitioners are brothers of the husband of the victim Rampari Devi, who died within seven years of her marriage and there is general and omnibus allegation, against the petitioners and other in-laws, of demand of dowry and torture for the same.

Learned counsel for the petitioners submits that during investigation it has come in paragraphs 56 and 57 of the case-diary vide statement of independence witnesses that the petitioners were living separately from the family of the



husband of the deceased. The witnesses have further stated that since husband was in extra-merital relation with his Bhabhi, the victim consumed poison and committed suicide. Therefore, prima facie case is not there against the petitioners and co-accused Sabo Devi, Kabutri Devi and Babi Devi have already been allowed anticipatory bail by a coordinate Bench of this Court in Cr. Misc. No.55018 of 2016.

He further submits that in the past a case under Section 498A of the Indian Penal Code was filed, wherein the police after investigation submitted final form, which was accepted by the Magistrate. Hence, prima facie the allegation of demand of dowry and torture for the same is not acceptable.

On the other hand, learned Additional Public Prosecutor, appearing on behalf of the State, drew attention of the Court to paragraph 8 of the case-diary that family member of the deceased has supported the case of demand of dowry and torture for the same.

Considering the fact that prima facie presumption is there against the petitioners, at least for the purpose anticipatory bail. Hence, I am not inclined to grant anticipatory bail to the petitioners in connection with Samho Police Station Case No. 33 of 2015 pending in the court of learned Sub



Divisional Judicial Magistrate, Begusarai/Successor Court.
Accordingly, the prayer for anticipatory bail is refused.

Mkr./-

(Birendra Kumar, J)

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