

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54657 of 2017

Arising Out of PS.Case No. -98 Year- 2017 Thana -SIMRA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Kaushalya Devi, Wife of Lal Babu Sah,
 2. Mala Devi, Wife of Jai Prakash Sah.
 3. Anil Sah, Son of Babulal Sah,
 4. Ramdeo Bhagat alias Ramdeo Mali, Son of Laxmi Bhagat, All are of resident of Village- Belwachakhani, Police Station- Semra, District- West Champaran (Bettiah).
 5. Surendra Sah, son of Chandrika Sah, Resident of Village- Parsa, Police Station- Bagaha, District- West Champaran (Bettiah).

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Dr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 17-11-2017 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

Learned counsel for petitioners seeks permission to withdraw the application filed on behalf of petitioner No.2 Mala Devi, wife of Jai Prakash Sah as she has been apprehended and the application has become infructuous.

In view of the above, the application filed on behalf of petitioner No.2 Mala Devi is dismissed as withdrawn.

The petitioner Nos. 1, 3, 4 and 5 apprehend their arrest in connection with Semra P.S. Case no. 98 of 2017, registered under Sections 304 (B), 201/34 of the Indian Penal Code.



The allegation of informant Shiv Kumar Sah is that he performed marriage of his daughter Punam Kumari with Raj Kumar Sah before three years and after marriage on 14.02.2017 the daughter of the informant went to her Sasural and thereafter her father-in-law Lalbabu Sah, mother-in-law Kaushlya Devi, brother in law Jai Prakash Sah, Jethani Mala Devi and Surendra Sah (petitioner No.5) used to demand Rs. 1 Lakh in dowry and she was being tortured. On 06.08.2017 Arbind Kumar, son of the informant had gone to Sasural of his sister Punam Kumari for Bidai then all the in-laws of his sister told that his sister will not be allowed to go with him unless the demanded money will not be fulfilled. On 08.08.2017, informant received information about illness of his daughter, then he along with his brother Premchandra Sah and son Arbind Sah reached at her matrimonial house then on enquiry they came to know that his daughter has been killed by them.

Learned counsel for the petitioners submits that admittedly the deceased, daughter of the informant died within one year of her marriage at her matrimonial house and specific allegation of demand of dowry torturing is against petitioner No.1 Kaushalya Devi and petitioner No.5 Surendra Sah. The informant raised suspicion regarding involvement of petitioner No. 3 Anil Sah and Petitioner No.4 Ramdeo Bhagat @ Ramdeo Mali who are co-villagers.

Having regard to the facts and circumstances of the case, let the above named petitioner Nos. 3 Anil Sah and Petitioner No.4



Ramdeo Bhagat @ Ramdeo Mali, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the S.D.J.M. Bagaha, West Champaran (Bettiah) in connection with Semra P.S. Case No. 98 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far as petitioner Nos. 1 Kaushalya Devi and petitioner No.5 Surendra Sah is concerned, having considered the facts and circumstances of the case and the nature of allegation against them, I am not inclined to grant anticipatory bail to the petitioner Nos. 1 Kaushalya Devi and petitioner No.5 Surendra Sah. Accordingly, their prayer for grant of anticipatory bail stands rejected.

(Rajendra Kumar Mishra, J)

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