

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6437 of 2018

Arising Out of PS. Case No.-196 Year-2017 Thana- MEHSI District- East Champaran

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1. Kamal Sah,
 2. Bhagwan Sah,
Both S/o Jailal Sah.
 3. Sanoj Sah.
 4. Manoj Sah,
Both S/o Ram Vilash Sah, Resident of Village Mithanpura, P.S.
Mehasi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-02-2018 Heard learned Counsels for the petitioners and learned
APP for the State.

The petitioner nos. 1 and 2, being the brothers of the husband of the victim, whereas, petitioner nos. 3 and 4, being agnate of petitioner nos. 1 and 2 are apprehending arrest in a case registered for the offences punishable under Sections 304B, 201 and 34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 04.07.2017 submitted by the informant Nokhe Lal Sah to the Station House Officer, Mehsi Police Station is to the effect that the informant's daughter Bina Devi was married with



Nawal Sah four years prior to lodging of the present case, but subsequently, torture was inflicted for non-fulfillment of dowry demand of Rs.50000/- cash and a motorcycle. On 04.07.2017, at 5.00 A.M., the informant received information that her daughter was killed by administering poison, then he reached her in-laws house where he came to know that one Bhikhu Sah has taken dead body of his daughter on a motorcycle.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general. Though the dead body was recovered on the statement of Bhikhu Sah, but he did not name the petitioner. The thrust of accusation is against the husband of the victim, The accusation of demand of dowry after four years of marriage appears to be unreasonable. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur, learned APP for the State that the entire in-laws family including the petitioners have killed the informant.

Considering the fact that the thrust of accusation appears to be against the husband of the victim, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of



12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, East Champaran, Motihari in connection with Mehsi P.S. Case No. 196 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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