

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36107 of 2019

Arising Out of PS. Case No.-22 Year-2019 Thana- SASARAM MUFFSIL District- Rohtas

1. Ramlali Kunwar, Female, aged about 59 years, Wife of Late Ramjee Sah, Resident of Village - Amra Talab, P.S.- Sasaram (M), Distt - Rohtas,
2. Govind Sah, Male, aged about 22 years, Son of Late Ramjee Sah, Resident of Village - Amra Talab, P.S.- Sasaram (M), Distt - Rohtas,
3. Sanjay Sah, Male, Male, aged about 40 years, Son of Dhanjee Sah, Resident of Village - Jaipur, P.S.- Sasaram (M), Distt - Rohtas,
4. Prabha Devi, Female, aged about 35 years, Wife of Sanjay Sah, Resident of Village - Jaipur, P.S.- Sasaram (M), Distt - Rohtas,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh No.10, Advocate
For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 20-11-2019 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

The petitioners apprehend their arrest in connection

with Sasaram (M) P.S. Case No. 22 of 2019 registered for the

offences punishable under Sections 498A, 302, 120B of the

Indian Penal Code.

Prosecution case in short is that one Madan Sah filed

a Complaint Case No.771 of 2018 on 18.08.2018 stating therein

that his sister Divya Devi, was married with Baijnath Sah in the



year 2006, during the marriage the accused persons were demanding tractor in dowry but due to intervention of relatives marriage was solemnized. But, even after marriage they tortured his sister. It is further alleged that accused persons went to Varanasi for their livelihood and on 22.11.2017, accused persons with intention to murder put fire on Divya Devi. The complainant went to Varanasi and went hospital with his sister for her treatment. On 28.11.2017, the Magistrate took her statement and on 01.12.2017, she died in Narayan Medical College. On 02.12.2017, postmortem has been done in Sasaram Hospital and police sent report for lodging F.I.R. to Siga Varanasi but no F.I.R. was lodged. The complainant went to Sasaram P.S. but FIR was not lodged then on 18.08.2018, this complaint case has been filed in the court. After that the case has been registered under Section 156(3) Cr.P.C.

Prosecution story is wrong, false and fabricated. The petitioner no.1 went to Delhi on 17.11.2017 and she returned on 23.11.2017. The sister of the informant was burned in kitchen during cooking and his husband went to hospital with his wife for treatment and when the informant went there started demand illegal money and when not paid by accused



no.1 of the F.I.R. then informant after conspiracy filed this false case.

Learned counsel for the petitioners submits that the place of occurrence is Varanasi. In para-8 of the case diary, sister of deceased said that she was burnt herself. The petitioners have got no any criminal antecedent.

Learned counsel for the informant submits that the learned court below has rightly mentioned that on perusal of the case record, it transpires that the case is of Section 302 IPC and the accused persons are named accused in FIR. The case was lodged in the direction of learned C.J.M. under Section 156(3) Cr.P.C. On perusal of the record, it transpires that the deceased gave dying declaration in presence of the Magistrate, Varanasi. From perusal of the case diary, it is clear that sufficient evidence is available on record about involvement of accused persons in the offence.

In the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer for anticipatory bail of the petitioners is hereby rejected. However, the petitioners are directed to surrender before the court below and pray for regular bail and



the learned court below passed the order on the same day
without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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