

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5767 of 2020**

Arising Out of PS. Case No.-264 Year-2019 Thana- SHEOHAR District- Sheohar

1. SUKHARI SAH Son of Late Ramdhari Sah Resident of Village - Sheohar, Warn No.14, P.S.- Sheohar, District- Sheohar
2. Rupkali Devi Wife of Sukhari Sah Resident of Village - Sheohar, Warn No.14, P.S.- Sheohar, District- Sheohar
3. Umesh Sah Son of Sukhari Sah Resident of Village - Sheohar, Warn No.14, P.S.- Sheohar, District- Sheohar
4. Mukesh Sah @ Mukesh Kumar Son of Sukhari Sah Resident of Village - Sheohar, Warn No.14, P.S.- Sheohar, District- Sheohar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Adv.
For the Opposite Party/s : Mr.Md. Matloob Rab, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 27-08-2020 At the outset, learned counsel for the petitioners submits that the petitioner no.1 has already been arrested and, therefore, this application has become infructuous as regards the petitioner no.1.

In the aforesaid view of the matter, this application as against petitioner no.1 stands dismissed as infructuous and now this application survives only against petitioner nos.2, 3 and 4.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioner no.2 is the mother-in-law and petitioner nos.3 and 4 are brother-in-laws (husband's brother) of the deceased who are seeking pre-arrest bail in connection with Sheohar P.S. Case



No.264 of 2019 registered for the offences punishable under Sections 304(B) and 201/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that in the First Information Report there is a vague allegation that all the accused persons were earlier putting pressure upon the deceased to bring dowry, however, it would appear from the FIR itself that after death of the sister of the informant he was duly informed and he had also come to Sasural of the sister and his presence the last rites were performed, but after that he lodged the present FIR on instigation by some persons having vested interest in harassing the entire family.

It is submitted that later on the informant has submitted an affidavit in the court below that his sister had died due to heart failure and he came to know later on that he was instigated to lodge the case because of dirty village politics. Learned counsel submits that husband is already in custody since 30.05.2019.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioners, but on noticing the materials in the case diary having seen that no independent witness has been examined by the police and that the husband is already in jail, let the petitioner nos. 2 to 4 above named in the event of their arrest or surrender within a period of four weeks from today in connection with Sheohar P.S. Case No.264/2019 be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of



learned Chief Judicial Magistrate, Sheohar, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

