

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8018 of 2020

Arising Out of PS. Case No.-35 Year-2019 Thana- VIJAYEPUR District- Gopalganj

1. AWADHESH TURHA Son of Yogi Turha Resident of Village - Chikwaliya, P.S.- Bijaipur, District- Gopalganj
2. Santosh Turha Son of Yogi Turha Resident of Village - Chikwaliya, P.S.- Bijaipur, District- Gopalganj
3. Meena Devi Wife of Santosh Turha Resident of Village - Chikwaliya, P.S.- Bijaipur, District- Gopalganj
4. Jhadeli Kumari D/O - Yogi Turha Resident of Village - Chikwaliya, P.S.- Bijaipur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harendra Prasad

For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 19-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

At the outset, the learned counsel for the petitioners submits that the petitioner no. 2 has been arrested, hence the present petition is not being pressed qua the petitioner no.2. Accordingly, the present petition qua petitioner no.2 stands dismissed as not pressed.

Heard the learned counsel for the petitioners and Shri Nagendra Prasad, the learned APP appearing for the State.

The petitioners apprehend their arrest in



connection with Vijaypur P.S. Case No. 35 of 2019, for the offence punishable under Sections 304B/302 of the Indian Penal Code read with section 3/4 of D.P. Act.

The case of the prosecution in brief is that the daughter of the informant Shanti Devi was married with Manoj Turha five years back. It is alleged that after a few days of marriage, the accused persons including the petitioners herein started demanding dowry and on 10.03.2019, all the accused persons had conspired together and killed the daughter of the informant on account of non-fulfilment of demand for dowry.

The learned counsel for the petitioners has submitted that the petitioners no. 1, 3 and 4 are innocent, have been falsely implicated in the present case and are having a clean antecedent. It is further submitted, by referring to paragraph no.9 of the present petition, that the husband, who is the main culprit, is behind bars, hence no prejudice would be caused to the prosecution in case the petitioners are granted the privilege of anticipatory bail. It is submitted that the petitioner no.1 is the elder brother-in-law of the deceased victim lady, the petitioner no.3 is the sister-in-law (wife of the brother-in-law of the deceased victim lady) and petitioner no. 4 is the sister-in-law of the deceased victim lady.



The learned A.P.P. appearing for the State has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case and considering the fact that the husband of the deceased victim lady is in custody and the petitioners are having a clean antecedent as also no specific role has been assigned to them, as far as the death of the deceased victim lady is concerned, I deem it fit and proper to admit the petitioners No. 1, 3 and 4 to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioners no. 1, 3 and 4, namely Awadhesh Turha, Meena Devi and Jhadeli Kumari, shall be released on anticipatory bail on furnishing bail-bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Gopalganj in connection with Vijaypur P.S. Case No. 35 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Mohit Kumar Shah, J)

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