

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18975 of 2020**

Arising Out of PS. Case No.-504 Year-2019 Thana- MINAPUR District- Muzaffarpur

1. ANITA DEVI Wife of Mahesh Sah Resident of Village - Chakjamal, P.S.-
Minapur, District- Muzaffarpur
2. Tuntun Kumar Son of Mahesh Sah Resident of Village - Chakjamal, P.S.-
Minapur, District- Muzaffarpur
3. Mahesh Sah Son of Late Sukhdeo Sah Resident of Village - Chakjamal, P.S.-
Minapur, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Chandra, Adv.

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

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

5 11-09-2020 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners, in the present case, are seeking pre-arrest
bail in connection with Minapur P.S. Case no. 504/2019
registered for the offence under Sections 304(B)/34 of the
Indian Penal Code.

Petitioner no.1 is the mother-in-law, petitioner no.2 is
devar (younger brother) and petitioner no.3 is Bhaisur (elder
brother) of the husband of the deceased.

In the First Information Report, it is alleged that the
marriage between one Keshav Kumar and daughter of the



informant had been solemnized and from the said marriage two children were also born. It is alleged that for last six months the daughter of the informant was being tortured and all the accused persons were demanding a four wheeler vehicle and in case of non-fulfillment of the demand she was being threatened that she would be thrown out of the house and her dead body would not be traceable.

The informant alleged that on information when he reached the sasural of his daughter he found that the dead body of his daughter was lying in the barandah and from there she was taken to sadar hospital for postmortem. The accused persons had fled away. Allegation is that all the accused persons committed murder of his daughter by pressing her neck.

Learned counsel for the petitioners submits that in course of investigation it has come that the deceased and her husband were living separately and they had some quarrel on petty issues. In his further statement even the brother of the deceased has made allegation mainly against his brother-in-law (husband of the deceased) and it has been stated by him that because of the torture by the husband the daughter of the informant had committed suicide by hanging herself.

Learned further submits that the witnesses in the case



diary have also stated that on account of quarrel between husband and wife, the wife had committed suicide. It is lastly submitted that though FIR was lodged making general allegation against the entire family, later on the informant's family has realized the mistake and then they have filed a compromise.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners, however considering the facts and circumstances of the case, the further statement of the informant and the statement of the witnesses in course of investigation suggesting that on account of quarrel between husband and wife, the wife had committed suicide and no specific role either of demand of dowry or torture has been alleged against these petitioners, let the petitioners above-named in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur, in connection with Minapur P.S. Case No. 504/2019, 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'.

