

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26174 of 2020

Arising Out of PS. Case No.-629 Year-2019 Thana- SARAIYA District- Muzaffarpur

1. SUNIL SAH @ SUNIL KUMAR SAH S/o Late Dayashankar Sah Resident of Village-Vasantpurpatti, P.S.-Saraiya, District-Muzaffarpur.
2. Anil Sah @ Anil Kr. Sah S/o Late Dayashankar Sah Resident of Village-Vasantpurpatti, P.S.-Saraiya, District-Muzaffarpur.
3. Poonam Devi W/o Sunil Sah @ Sunil Kumar Sah Resident of Village-Vasantpurpatti, P.S.-Saraiya, District-Muzaffarpur.
4. Kiran Devi W/o Anil Sah @ Anil Kr. Sah Resident of Village-Vasantpurpatti, P.S.-Saraiya, District-Muzaffarpur.
5. Kajal Devi W/o Ajit Sah Resident of Village-Vasantpurpatti, P.S.-Saraiya, District-Muzaffarpur.
6. Minta Devi W/o Late Dayashankar Sah Resident of Village-Vasantpurpatti, P.S.-Saraiya, District-Muzaffarpur.
7. Putul Devi W/o Rajesh Sah Resident of Village-Saraiya Bazar, P.S.-Deoriya, District-Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms.Bela Singh, Advocate
For the Opposite Party/s : Mr. Raj Kishore Singh, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 15-10-2020

As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioners and the learned Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners apprehend arrest in Saraiya PS Case No. 629 of 2019 registered under Sections 304B/34 of the IPC and Section 3/4



of the Dowry Prohibition Act.

Petitioner Nos. 1 and 2 are brother-in-law (Bhaisur of the victim), petitioner Nos. 3, 4 and 5 are Gotnis, petitioner No. 6 is mother-in-law and petitioner No. 7 is said to be married Nanad.

It is submitted by the learned Counsel for the petitioners that the petitioners have falsely been implicated by virtue of their relationship. No specific allegation has been levelled against the petitioners in respect of the offence for which the case has been instituted. Husband of the victim is already in custody. It is submitted that the petitioners have no concern with the day to day affairs of the victim and her husband.

Learned APP for the State has opposed the prayer for anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioners.

Accordingly, let the petitioners above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of SDJM, West Muzaffarpur. in Saraiya PS Case No. 629 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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