

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.85746 of 2019**

Arising Out of PS. Case No.-84 Year-2019 Thana- SINGHWARA District- Darbhanga

1. ANIL KUMAR SAH @ ANIL SAH Son of Parmeshwar Sah Resident of Village - Bharwara, P.S.- Singhwara, Distt.- Darbhanga.
2. Shail Devi W/o Parmeshwar Sah Resident of Village - Bharwara, P.S.- Singhwara, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Adv.
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

7 25-09-2020 Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned APP for the State in absence of Mr. Ravindra Kumar, APP.

It appears that the informant has entered appearance in this case, but no one has appeared on behalf of the informant.

The petitioners in the present case are seeking pre-arrest bail in connection with Singhwara P.S. Case No.84 of 2019 registered for the offences punishable under Section 304(B)/34 of the Indian Penal Code.

The allegations in the First Information Report are that the sister of the informant was married to one Bablu Sah, son of petitioner no.2. She had a son born out of the said



wedlock. It is alleged that one month after the marriage which was solemnized on 07.05.2018 the sister of the informant had telephonically informed the informant that her husband, father-in-law and Bhaisur including petitioner no.1 were putting pressure upon her to bring a dowry Rs.2 lacs and one motorcycle failing which she would be killed. The father of the informant had allegedly given Rs.40,000/- after selling his land but the sister of the informant has been murdered.

Learned counsel for the petitioners submits that in the First Information Report there is no mention of the name of the petitioner no.2 who is mother-in-law and so far as petitioner no.1 is concerned, he is Bhaisur of the deceased who is living separately in mess and business, he is doing catering work and on the date of occurrence also he was in another village in connection with his catering work. It is submitted that by way of a general and omnibus kind of allegation the entire family members have been made accused.

It is his further submission that the deceased seems to have committed suicide. Referring to paragraph '13' of the case diary which contains the description of the place of occurrence. Learned counsel submits that the investigating officer has clearly stated that the place of occurrence is the house of the



husband of the deceased and there were only two rooms in the said house. The petitioner no.1 is not residing even in the boundary of the said house which will be also evident from paragraph '14' of the case diary.

It is also pointed out that though in the impugned order the learned Sessions Judge has referred paragraph '9' and '10' of the case diary, but a perusal thereof would show that both the witnesses in those paragraphs are the cousin sister of the deceased and husband of the cousin sister who have made hearsay statements but they have not stated that the deceased had ever informed them about any alleged demand and torture.

Mr. Akhileshwar Dayal, learned APP for the State has though opposed the prayer for anticipatory bail of the petitioners, but considering the facts and circumstances of the case wherein there are general allegations against petitioner no.1 and in fact the petitioner no.2 is not even mentioned in the First Information Report attributing any demand of dowry against her and/or any act of torture, in the nature of the materials noticed hereinabove, let the petitioners in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing of bail bond of Rs. 25,000/- (Twenty Five Thousand only) each with two sureties of the like amount each to the



satisfaction of learned A.C.J.M.-V, Darbhanga in connection with Singhwara P.S. Case No.84/2019, 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'.

