

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32054 of 2020

Arising Out of PS. Case No.-326 Year-2019 Thana- PATEPUR District- Vaishali

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1. Dinesh Sah, aged about 35 years, Male, S/O Sri Jailal Sah
 2. Jailal Sah, aged about 65 years, Male, S/o Late Jhapas Sah
 3. Kanti Devi, aged about 26 years, Female, D/O Sri Jailal Sah
 4. Chunchun Sah, aged about 18 years, Male, S/O Sri Jailal Sah

All are Resident of Village - Durgapur Simarbara, P.S. - Patepur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jatindra Narayan, Advocate
For the State : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 19-03-2021

Heard Mr. Jatindra Narayan, learned counsel for the petitioners and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioners apprehend arrest in connection with Patepur PS Case No. 326 of 2019 dated 05.12.2019, instituted under Sections 304B/201/120B of the Indian Penal Code.

3. The allegation against the petitioners is of killing the sister of the informant. Petitioners no. 1 and 4 are brother of the husband of the deceased; petitioner no. 2 is the father-in-law of the victim and the petitioner no. 3 is the daughter of



petitioner no. 2.

4. Learned counsel for the petitioners submitted that they are innocent and have no role in the death. It was further submitted that the deceased and her husband were separate in residence and mess and further that death occurred as the deceased was suffering from diarrhoea and the local doctor had referred her to Patna but on way to Hajipur to Patna she died. Learned counsel submitted that the petitioners have no criminal antecedent.

5. Learned APP submitted that a young girl has died within one year of marriage and the petitioners being close relatives of the husband of the deceased and living in the same house not bothering to inform the police despite it being a case of unnatural death, also not informing the relatives of the deceased indicates that they had something to hide and, thus, they were party to the entire crime.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioners.

7. Accordingly, the application stands dismissed.

8. However, on prayer made by learned counsel for the petitioners, it is observed that if the petitioners appear before the



Court below and pray for bail within four weeks from today, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

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