

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6741 of 2021

Arising Out of PS. Case No.-374 Year-2019 Thana- BAIRIYA District- West Champaran

1. Harendra Sah Son of Kuber Sah Resident Of Village- Tadhwanandpur Lakhani Bazar Turha Tola, P.S.-BAIRIYA, District-West Champaran.
2. Vinay Kumar Sah @ Vinay Sah S/O Harendra Sah Resident Of Village- Tadhwanandpur Lakhani Bazar Turha Tola, P.S.-BAIRIYA, District-West Champaran.
3. Vidyawati Devi W/O Harendra Sah Resident Of Village- Tadhwanandpur Lakhani Bazar Turha Tola, P.S.-BAIRIYA, District-West Champaran.
4. Vikas Sah @ Vikas Kumar Sah S/O Harendra Sah Resident Of Village- Tadhwanandpur Lakhani Bazar Turha Tola, P.S.-BAIRIYA, District-West Champaran.
5. Dinay Sah S/O Harendra Sah Resident Of Village- Tadhwanandpur Lakhani Bazar Turha Tola, P.S.-BAIRIYA, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
	:	Mr. Anant Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Bisheshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 28-10-2021 Heard Shri Sanjeev Kumar, learned counsel assisted by Anant Kumar Mishra, learned counsel for the petitioners and Shri Bisheshwar Ram, learned A.P.P. for the State.

The petitioners are seeking anticipatory bail in connection with Bairiya P.S. Case No. 374 of 2019 instituted for the offences under Sections 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioners at the outset



submits that the petitioner no. 1 is the father-in-law, petitioner no. 3 is the mother-in-law and petitioner nos. 4 and 5 are brothers-in-law of the deceased.

Learned counsel for the petitioners, at the outset, submits that the petitioners are persons with clean antecedent. It is further submitted that the informant in the F.I.R. has alleged that his daughter Madhu Devi @ Godawari Devi was married in the year 2011 with one Vinay Shah. It is further alleged that after marriage the deceased was being tortured for dowry, further that the daughter of the informant gave birth to two children, further that on 31.10.2019, the informant got an information that all the accused persons have killed his daughter by hanging her by rope.

The learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that nothing specific has been alleged against these petitioners, further the husband of the deceased (petitioner no. 2) is in custody. Learned counsel further submits that the petitioners are separate in mess and are not staying jointly with the husband of the deceased and the present F.I.R. has been instituted after eight years of marriage as such it does not appear probable that the deceased for some amount, which has not been



disclosed in the F.I.R. would have been tortured to this extent. The learned counsel further submits that it appears that on account of dispute with her husband, she committed suicide.

Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioners. On query of the Court that what has come during the course of investigation in the case diary, the learned A.P.P. very fairly submitted that nothing specific against the petitioners have come during the course of investigation except that they were demanding dowry without specifying the amount.

Considering the facts and circumstances of the case in it's totality, let the petitioner nos. 1, 3, 4 and 5, in the event of their arrest or surrender before the learned Court below within a period of ten weeks, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 374 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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