

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13017 of 2021

Arising Out of PS. Case No.-120 Year-2020 Thana- BIBHUTIPUR District- Samastipur

1. KISHUN SAH @ KISHAN SAH S/o Gango Sah R/o village- Sirsi, P.S.- Bibhutipur, Distt.- Samastipur
2. ARUN SAH S/o Kishun Sah R/o village- Sirsi, P.S.- Bibhutipur, Distt.- Samastipur
3. FEKNEE DEVI @ FEKNI DEVI W/o Kishun Sah R/o village- Sirsi, P.S.- Bibhutipur, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 07-02-2022 Heard Mr. Bijay Bhushan Prasad, learned Advocate for the petitioners and the learned APP for the State.

During the pendency of this petition, petitioner no. 1 (Kishun Sah @ Kishan Sah), who is the father-in-law of the deceased has been arrested. His application therefore has become infructuous.

The application with respect to petitioner no. 1 is dismissed as having become infructuous.

The petitioners no. 2 and 3 seek bail in



anticipation of their arrest in connection with Bibhutipur P.S. Case No. 120 of 2020 dated 29.05.2020 instituted for the offences under Sections 304B, 201 and 34 of the Indian Penal Code.

The petitioners no. 2 and 3 are the brother-in-law and the mother-in-law of the deceased respectively.

The learned counsel for the petitioners has submitted that because of their relationship with the husband of the deceased, they have been made accused in this case with no specific accusation. The marriage had taken place about six years ago and the deceased had granted birth to two children from the wedlock.

The deceased and her husband had been staying separately from the other family members.

However, this Court finds that the husband of the deceased has not yet surrendered to the process of law.

Considering this aspect of the matter, I am not inclined to grant anticipatory bail to petitioners no. 2 and



3.

The prayer for anticipatory bail is rejected.

Should the petitioners no. 2 and 3 surrender before the court below and seek bail, their application shall be considered on its own merits without being prejudiced by the fact that the present petition on their behalf has not been entertained.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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