

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14391 of 2021

Arising Out of PS. Case No.-214 Year-2020 Thana- DARIYAPUR District- Saran

1. Baby Devi, aged about 47 years, Female, Wife of Bharat Sah @ Bharath Sah, Resident of village- Sumerpatti, Police Station-Dariyapur, District-Saran at Chapra.
2. Mintu Kumar, aged about 19 years, Male, Son of Bharat Sah @ Bharath Sah, Resident of village- Sumerpatti, Police Station-Dariyapur, District-Saran at Chapra.
3. Shilpi Devi, aged about 22 years, Female, Wife of Chotu Sah, Resident of village- Sumerpatti, Police Station - Dariyapur, District - Saran at Chapra.
4. Laxmi Kumari @ Lakshmini Kumari, aged about 18 years, Female, Daughter of Kariban Sahni, Resident of village- Sumerpatti, Police Station - Dariyapur, District - Saran at Chapra.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Satya Prakash, Advocate
For the Opposite Party : Mr. Upendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-01-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.



The petitioners are apprehending their arrest in connection with Dariyapur P.S. Case No. 214 of 2020 for the offence registered under Sections 304(B)/34 of the I.P.C.

The prosecution story, in brief, is that the accused persons including the petitioners killed the victim due to non-fulfilment of demand of dowry.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They have falsely been implicated in the present case due to mistake of fact. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioner no. 1 is the mother-in-law, petitioner no. 2 is the unmarried brother-in-law, petitioner no. 3 is the married sister-in-law (Nanad) and petitioner no. 4 is the neighbour of the victim. They are separate in mess and property from the husband of the victim. They have got no concern with the alleged occurrence. The husband of the deceased is in custody.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of



covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails are not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances, the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of the learned A.C.J.M.-13th, Saran at Chapra, in connection with Dariyapur P.S. Case No. 214 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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