

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17359 of 2022

Arising Out of PS. Case No.-328 Year-2019 Thana- NAUTAN District- West Champaran

1. CHHOTELAL SAH @ CHHOTELAL PRASAD S/o Late Mahant Sah Resident of Shivraipur, P.S.- Nautan, District- West Champaran
2. BHAGMATI DEVI W/o Chhotelal Sah Resident of Shivraipur, P.S.- Nautan, District- West Champaran
3. RAJ KUMAR SAH @ RAJ KUMAR S/o Chhotelal Sah Resident of Shivraipur, P.S.- Nautan, District- West Champaran
4. NABIN SAH @ ANJANI PRASAD S/o Chhotelal Sah Resident of Shivraipur, P.S.- Nautan, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-06-2022 Heard the learned counsel for the petitioners and
the learned A.P.P. for the State.

At the outset, the learned counsel for the petitioners submits that the petitioner no. 4 has already been arrested during the pendency of the present petition, as such the present petition *qua* petitioner no. 4 has been rendered infructuous.

Accordingly, the present petition stands dismissed as not pressed *qua* the petitioner no. 4.

This is an application for grant of anticipatory bail in connection with Nautan PS case no. 328 of 2019 registered



for the offences punishable under Sections 304B, 201/34 of the Indian Penal Code.

The case of the prosecution in brief is that the marriage of the daughter of the informant was solemnized with one Santosh Sah on 13.03.2019, however only after a week of the marriage, accused person namely Santosh Sah started demanding dowry and on account of non fulfilment of the demand for dowry, the husband and other family members started torturing the deceased victim lady physically and mentally. It is further alleged that subsequently, the informant came to know that his daughter has been killed and when he went to the matrimonial house of his daughter, he found her dead body lying on a cot.

The learned counsel for the petitioners no. 1, 2 and 3 has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having a clean antecedent. The learned counsel for the petitioners has submitted that the petitioner no. 1 is aged father-in-law, petitioner no. 2 is aged mother-in-law and petitioner no. 3 is brother-in-law of the deceased victim lady, hence they are not having any complicity in the matter, however the main accused appears to be the husband of the deceased victim lady who has



already surrendered on 31.05.2022. In such view of the matter, it is submitted that since the main accused is already behind bars, no prejudice would be caused to the prosecution, in case petitioners no. 1 to 3 are granted the privilege of anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer of bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against the petitioners no. 1 to 3 apart from the fact that the main accused i.e. the husband of the deceased victim lady has already surrendered and is in custody, this Court finds that no prejudice would be caused to the prosecution, in case petitioners no. 1 to 3 are granted the privilege of anticipatory bail. Hence, I deem it fit and appropriate to admit petitioners no. 1 to 3 to the privilege of anticipatory bail, subject to verification by the learned court below regarding the factum of surrender of the husband of the deceased victim lady.

Accordingly, the petitioners no. 1 to 3, in the event of



their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st class, Bettiah, West Champaran in connection with Nautan PS case no. 328 of 2019, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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