

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31395 of 2021

Arising Out of PS. Case No.-6 Year-2021 Thana- BALTHAR District- West Champaran

1. DOMA SAH Son of Late Raghunath Sah @ Vishwanath Sah Resident of Village- Bhaura, P.S.- Balthar, District- West Champaran.
2. Satyendra Sah Son of Doma Sah Resident of Village- Bhaura, P.S.- Balthar, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bashisth Narayan Mishra
Mr. Sachida Nand Rai
For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 10-03-2022 Heard learned counsel for the parties.

Petitioners seek regular bail in connection with Balthar P.S. Case No. 06 of 2021 registered for the offence under Sections 304 (B) / 34 of the I.P.C.

As per the First Information Report the daughter of the informant was married to the son of the petitioner no. 1 six years back and allegation is that the petitioners along with other family members killed the daughter of the informant by pressing her neck due to non fulfillment of demand of Hero Honda motorcycle as dowry.

Learned counsel for the petitioners submits that petitioner no. 1 is the father- in- law of the deceased and



petitioner no. 2 is the brother- in -law of the deceased and all the family members have been made accused based upon general and omnibus allegation. He further submits that during the course of investigation the brother of the informant gave his statement that when the deceased did not bear any child even after six years of marriage therefore the accused persons have killed the deceased by pressing her neck, whereas, in the First Information Report allegation is of dowry death. He further submits that Police upon arrival got the dead body hanging from the roof and it appears that due to depression the deceased has committed suicide. Learned counsel further submits that co-accused i.e. mother-in-law and sister-in-law of the deceased have been granted anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 33299 of 2021.

On the other hand, learned counsel for the State referring to the post- mortem report submits that there is ligature mark on the neck of the deceased and there is demand of dowry against all the accused persons.

Regard being had to the submissions made by the parties and taking into consideration the materials available on record, the fact that petitioners are father-in-law and brother-in-law of the deceased, the allegation against them is general and



omnibus in nature, other two accused persons i.e. mother-in-law and sister-in-law have been granted anticipatory bail by a Co-ordinate Bench of this court and petitioners are in custody since 13.01.2021, as such, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bond of Rs. 20000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Bettiah, District - West Champaran in connection with Balthar P.S. Case No. 06 of 2021 on the following conditions:-

(a) that the petitioners shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioners, their bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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