

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 43931 of 2021

Arising Out of PS. Case No.-112 Year-2020 Thana- PHENHARA District- East Champaran

1. Raj Ballabh Sah @ Ram Janam Sah, Male, aged about 68 years, S/o Late Ram Surat Sah.
2. Prem Sah @ Prem Kumar Sah, Male, aged about 34 years, S/o Raj Ballabh Sah @ Ram Janam Sah.
3. Sudhir Sah @ Sudhir Kumar, Male aged about 25 years, S/o Raj Ballabh Sah @ Ram Janam Sah.
4. Parvati Devi, Female aged about 58 years, W/o Raj Ballabh Sah @ Ram Janam Sah.
5. Priyanka Kumari, Female aged about 19 years, D/o Raj Ballabh Sah @ Ram Janam Sah.
6. Shobha Devi, Female aged about 31 years, W/o Prem Sah @ Prem Kr. Sah. All are resident of Village and P.O.- Kalupakar, P.S.- Phenhara, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shyama Kant Singh, Advocate
For the Opposite Party/s :	Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

4 17-02-2022 Heard the parties through video conferencing.

The petitioners seek bail in anticipation of their arrest in connection with Phenhara P.S. Case No.112 of 2020 instituted for the offences punishable under Section 304 (B) of the Indian Penal Code.

Learned counsel for the petitioners submits that all the family members have been made an accused in a complaint

filed after 5 and a half months of death of the deceased who had died due to electrocution. Learned counsel for the petitioners who are the in-laws of the deceased had informed the police and postmortem was conducted of the deceased and thereafter the deceased was cremated. The members of the family of the deceased were of similar thought with oblique purpose. The complaint has been filed after 5 and a half months and explanation given about the complaint not been registered by the police also not acceptable as the informant was filed a complaint earlier also in the Court.

Learned counsel appearing for the complainant submits that there was a demand of dowry and thereafter the informant's daughter was killed and no one of the family members were informed about the death requires to be examined in trial, if any.

However, taking into consideration the aforesaid facts where the complaint has been filed after a period of five and a half months and also taking into consideration the postmortem report which speaks of the deceased dying by electrocution and the complaint mentions of death caused by poisoning, I am inclined to allow this anticipatory bail to the petitioners, in the event of arrest they shall be released on

anticipatory bail, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Sanjeev Prakash Sharma, J)

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