

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42457 of 2022

Arising Out of PS. Case No.-75 Year-2021 Thana- SURSAND District- Sitamarhi

1. KISNA SADA S/o Rupchan Sada R/o village - Radhaur Mushari Tola, Ward No. -4, P.S. Sursand, District - Sitamarhi.
2. Rajkali Devi W/o Kisna Sada R/o village - Radhaur Mushari Tola, Ward No. -4, P.S. Sursand, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-12-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 304B and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that on 17.02.2021 while informant was in a hospital for her husband's treatment when she got information that her daughter who was married three years ago was murdered on account of non fulfillment of dowry, it is next alleged that the informant with her husband went to the place of occurrence and saw the dead body of the deceased, on inquiry it was disclosed by the nearby people that 11 accused persons including the petitioners strangulated the deceased to death, it is also



alleged that the accused persons used to say that had the groom been married to some other girl, they would have got more dowry.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that from bare perusal of the allegation as alleged in the F.I.R, it would manifest that the allegations of demand and assault against the petitioners are general and omnibus in nature. It is also submitted that informant is not an eye witness to the occurrence nor discloses the name of the people who disclosed that 11 persons including the petitioners strangled the deceased to death. It is also submitted that whenever any dispute arises between the husband and wife the entire family members are implicated, it is further submitted that petitioners are living separately from the husband of the deceased and they do not interfere in day to day affairs of the deceased and her husband. It is also submitted that the marriage was three years old but no case ever came to be instituted.

Learned counsel for the petitioners next submits that no doubt it is the duty of the husband to ensure that the wife lives with dignity and honour. Learned counsel for the petitioners on instruction submits that the husband of the deceased will surrender before the learned trial Court.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel



for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on **Provisional bail** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sursand P.S. Case No. 75 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, in the event, if the husband of the deceased does not surrender as submitted by the learned counsel for the petitioners based on instructions within a period of six weeks from today, the learned Trial Court shall cancel the Provisional Bail bonds of the petitioner and in the event if the husband of the deceased surrenders within the period aforesaid, then the **Provisional bail** shall be confirmed on the same terms and conditions.

(Satyavrat Verma, J)

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