

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44030 of 2022**

Arising Out of PS. Case No.-528 Year-2018 Thana- BIDUPUR District- Vaishali

SHANKAR SAH Son of Late Raj Kumar Sah Resident of village - Vishanpur Chand (Chandpura), P.S.- Desari, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amarnath Sah Son of Late Ram Awatar Sah Resident of Village - Mustafapur, P.S.- Bidupur, District - Vaishali.

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 44635 of 2022**

Arising Out of PS. Case No.-528 Year-2018 Thana- BIDUPUR District- Vaishali

1. KHUSBU KUMARI W/o Ajay Kumar, D/o Late Raj Kumar Sah Resident of village- Sishanpur Chand, (Chandpura) P.S- Desari, Dist- Vaishali, at present R/o village- Repura (ShivMandir) P.S- Lalganj, Dist- Vaishali
2. Shambhu Sah Son of Late Raj Kumar Sah R/v- Vishanpur Chand, (Chandpura) P.S- Desari, Dist- Vaishali
3. Subhash Kumar @ Subhash Sahu Son of late Raj Kumar Sah R/v- Vishanpur Chand, (Chandpura) P.S- Desari, Dist- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amarnath Sah Son of Late Ram Awatar Sah Resident of village- Mustafapur, P.s- Bidupur, Dist- Vaishali

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 44030 of 2022)

For the Petitioner/s : Mr. Madhav Jha, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 44635 of 2022)

For the Petitioner/s : Mr. Madhav Jha, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      14-12-2022

**CRIMINAL MISCELLANEOUS No.44030 of 2022**

Heard learned counsel for the petitioner and learned



A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 304B, 201, 120B and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that his daughter (deceased) was married to Sankar Sah (petitioner) in the year 2013 and out of the wedlock a child was born, further after marriage the deceased was tortured for dowry, next alleges that on 28.11.2018 her mother-in-law came and informed that his daughter was missing, further a search was made and on 02.12.2018 the villager informed about the dead body lying in a well situated in the orchard of Siddheshwar, accordingly, he reached the place of occurrence and found the dead body of his daughter, thus alleges that she was killed for non fulfillment of the dowry demand by the accused persons including the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case, his mother had already informed the informant about missing of the deceased and even the dead body was found in a well outside the house.



Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that presumption is against the petitioner as death occurred within 7 years of marriage and there is allegation of demand of dowry.

Learned counsel for the petitioner at this stage seeks permission to withdraw the anticipatory bail application.

Permission is accorded.

Accordingly, the present anticipatory bail application is dismissed as withdrawn.

**CRIMINAL MISCELLANEOUS No. 44635 of 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, 201, 120B and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that his daughter (deceased) was married to Sankar Sah in the year 2013 and out of the wedlock a child was born, further after marriage the deceased was tortured for dowry, next alleges that on 28.11.2018 his mother-in-law came and informed that his daughter was missing further a search was made and on



02.12.2018 the villager informed about the dead body lying in a well situated in the orchard of Siddheshwar, accordingly he reached the place of occurrence and found the dead body of his daughter, thus alleges that she was killed for non fulfillment of the dowry demand by the accused persons including the petitioners.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that petitioner no. 1 is married *Nanad*, petitioner no. 2 and 3 are brother-in-law of the deceased. It is also submitted that the husband of the deceased had approached this Court for seeking anticipatory bail but the same was permitted to be withdrawn by order dated 14.12.2022 in Criminal Miscellaneous No. 44030 of 2022, it is further submitted that since the anticipatory bail application of the husband was permitted to be withdrawn as such he will surrender. It is next submitted that from perusal of the allegation as alleged in the F.I.R, it would manifest that allegations are general and omnibus in nature and whenever a dispute arises between the husband and wife, the entire family members are implicated. It is also submitted that informant is not an eye witness to the occurrence.

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 anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) 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 Bidupur P.S. Case No. 528 of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

Rishabh/-

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