

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59231 of 2022

Arising Out of PS. Case No.-95 Year-2017 Thana- BHABHUA RAIL P.S. District- Gaya

1. SAROJA DEVI @ SAROJ KUER W/o Late Shusil Singh R/o Village- Bhagwatipur, P.S.- Chainpur, Distt- Kaimur at Bhabua.
2. Ruchi Devi W/o Rakesh Singh R/o Village- Bhagwatipur, P.S.- Chainpur, Distt- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-12-2022 Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners seek regular bail in connection with Rail Bhabhua (Sasaram) PS case no. 95 of 2017 instituted for the offences punishable under Section 304-B, 34 of Indian Penal Code and 3/4 of Dowry Prohibition Act.

The case of the prosecution in brief is that the marriage of the daughter of the informant was solemnized with one Vikash Singh and a motorcycle as also a sum of Rs. 3,00,000/- was given as dowry. After marriage, the daughter of the informant had gone to her matrimonial home, whereafter, the accused persons starting demanding a sum of Rs. 1,50,000/- as also torturing her on account of non-fulfilment of the said demand of



dowry. It is further alleged that the informant came to know that the daughter of the informant was going to Bhabhua on the occasion of Dussehra with her in-laws, however, subsequently, they had killed her and her dead body was found near Durgawati Railway Station.

The learned counsel for the petitioners submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having clean antecedent. It is further submitted that the petitioner no. 1 is the mother-in-law of the deceased victim lady, who is languishing in custody since 22.08.2022, whereas the petitioner no. 2 is the sister-in-law of the deceased victim lady and she is languishing in custody since 08.08.2022. Lastly, it is submitted that the husband of the petitioner has already been granted bail by this Court vide order dated 25.07.2018, passed in Cr. Misc. no. 31970 of 2018 on the ground that *prima facie*, the occurrence in question, appears to be a case of suicide.

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

I have heard the learned counsel for the parties and gone through the materials available on record. I find that though the present case was registered on 01.10.2017 and the husband of the deceased victim lady was granted bail on 25.07.2018 but the



petitioners have all along been absconding and only after about 05 years, they have surrendered, thus, it is apparent that the petitioners have scant regard for the due process of law, which has also resulted in the trial being impeded on account of the aforesaid two accused persons not appearing before the learned trial court, hence, I deem it fit and appropriate to direct for release of the petitioners on bail, immediately upon framing of charges by the learned trial court, subject to such conditions as may be deemed fit and appropriate to be imposed by the learned court of C.J.M. Gaya in connection with Rail Bhabhua (Sasaram) PS case no. 95 of 2017.

The present petition stands disposed off with the aforesaid directions and observations.

(Mohit Kumar Shah, J)

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