

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2485 of 2023

Arising Out of PS. Case No.-671 Year-2021 Thana- GARKHA District- Saran

-
1. BHIKHAR SAH SON OF LATE GOBIND SAH R/O VILLAGE-SALAHHA, P.S.- GARKHA, DISTRICT- SARAN
 2. CHANDRAWATI DEVI WIFE OF BHIKHAR SAH R/O VILLAGE-SALAHHA, P.S.- GARKHA, DISTRICT- SARAN
 3. SONI DEVI D/O BHIKHAR SAH R/O VILLAGE- SALAHHA, P.S.- GARKHA, DISTRICT- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-05-2023 Heard Mr. Sanjay Kumar Jha, learned counsel for the petitioners and Mr. Madhura Nand Jha, learned Additional Public Prosecutor appearing for the State.

Petitioners apprehend their arrest in connection with Garkha P.S. Case No. 671 of 2021 dated 30.9.2021 registered for the offence punishable under Sections 304-B/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

As per the First Information Report, the marriage of the informant's niece (Saarhoo's daughter) was solemnized with the son of the petitioner No. 1 on 26.4.2021. Immediately after



the marriage, all the accused persons started demanding dowry in the form of Fridge, Cooler, Washing Machine and Colour T.V. and due to non-fulfillment of the said demand, they started torturing the informant's niece. The niece of the informant used to tell about the demand made by the accused persons on phone. On 30.9.2021 the informant got information that her niece has died in the matrimonial home and when he along with cousin brother of the deceased reached in the village of her niece, they came to know that accused persons have killed the deceased by pulling the string tied around her neck.

Learned counsel for the petitioners submits that the petitioner No. 1 is father-in-law of the deceased, petitioner No. 2 is mother-in-law and petitioner No. 3 is sister-in-law (*Nanad*) of the deceased. He next submits that the deceased was mentally retarded and was under depression, due to which, she has committed suicide. The allegation against the petitioners are general and omnibus in nature. The father of the deceased has filed a petition before the learned Judicial Magistrate, 1st Class, stating therein that his daughter has committed suicide and he does not want to pursue the case. The husband of the deceased has been granted regular bail by a co-ordinate Bench of this Court in Cr. Misc. 49063 of 2022.



I have heard learned counsel for the parties.

From perusal of the First Information Report, it appears that within a few months of the marriage, the deceased has been killed in her matrimonial home due to non-fulfillment of demand of dowry. The allegation of demand of dowry and torture to the deceased is specific in the First Information Report and there is close proximity between the dowry demand and death of the deceased in suspicious condition in her matrimonial home.

The learned Sessions Judge in his order has taken note of the fact that inquest report shows the sign of violence on the dead body and the postmortem report also shows mark in the right occipital area of skull and legature mark present over neck.

The allegation is that the other accused persons on the instigation of the husband of the deceased have killed the niece of the informant and within five months of the marriage, the deceased has died. Accordingly, there is a presumption against the accused persons under Sections 113-A and 113-B of the Evidence Act.

Accordingly, I am not inclined to grant anticipatory bail to petitioner Nos. 1 and 2.

The prayer for bail against petitioner Nos. 1 and 2



stands rejected.

However, petitioner No. 3 who is sister-in-law (*Nanad*) of the deceased and she is aged about 25 years, I am inclined to grant her anticipatory bail.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner No. 3, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Saran at Chapra in connection with Garkha P.S. Case No. 671 of 2021 subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

S.Ali/-

U		T	
---	--	---	--

