

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12805 of 2023

Arising Out of PS. Case No.-155 Year-2022 Thana- RAXAUL District- East Champaran

1. Priyanka Kumari @ Priyanka Devi Daughter Of Kishore Sah Resident Of Mohalla - Mishra Colony, Ward No.- 4, Tumariya Tola, P.S.- Raxaul (Haraiya), District - East Champaran.
2. Jitendra Sah Son Of Kishore Sah Resident Of Mohalla - Mishra Colony, Ward No.- 4, Tumariya Tola, P.S.- Raxaul (Haraiya), District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar

For the Opposite Party/s : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 302 and 304(B)/34 of the Indian Penal Code pending in the learned court below.

As per the prosecution case, all accused persons conjointly set fire on the daughter of the informant due to which the daughter of the informant died.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that petitioner no.1 is sister in law and



petitioner no.2 is husband of the deceased. He submits that there is no specific overt act against the petitioner no.1. He further submits that petitioner no.2 married with the deceased in the year 2019 and she was living happy conjugal life and from her wedlock a baby was born in 2020 and there was no any occasion to demand dowry or torture the deceased. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

Per contra, learned APP for the State vehemently opposing the bail application.

Considering the facts and circumstances of the case and the fact that petitioner no.2 is husband of the deceased, I am not inclined to enlarge the petitioners on bail in connection with Raxaul (Haraiya) P.S. Case No. 155/2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

Insofar as petitioner no.1 is the sister in law of the deceased and there is no specific overt act against her, let the petitioner, named above, in the event of her arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned



Court below, where the case is pending/Successor court, in connection with Raxaul (Haraiya) P.S. Case No.155/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

However, if the petitioner no.2 surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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