

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10980 of 2023

Arising Out of PS. Case No.-545 Year-2022 Thana- BAGHA District- West Champaran

1. BHOLA SAH @ BHOLA KUMAR Son of Suresh Sah Resident of village - Kailash Nagar, Ward No.- 4, Police Station - Bagaha Pathkhauli, District - West Champaran (Bettiah).
2. Suresh Sah Son of Late Heera Sah Resident of village - Kailash Nagar, Ward No.- 4, Police Station - Bagaha Pathkhauli, District - West Champaran (Bettiah).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 11242 of 2023

Arising Out of PS. Case No.-545 Year-2022 Thana- BAGHA District- West Champaran

1. SHOBHA DEVI W/o Suresh Sah R/o Village- Kailash Nagar, Ward no. 4, P.S.- Bagaha Pathkhauli, Distt- West Champaran (Bettiah).
2. Shiv Kumar Sah S/o Suresh Sah R/o Village- Kailash Nagar, Ward no. 4, P.S.- Bagaha Pathkhauli, Distt- West Champaran (Bettiah).
3. Chinta Kumari @ Chinta Devi D/o Suresh Sah R/o Village- Kailash Nagar, Ward no. 4, P.S.- Bagaha Pathkhauli, Distt- West Champaran (Bettiah).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 10980 of 2023)

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Binod Kumar

(In CRIMINAL MISCELLANEOUS No. 11242 of 2023)

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-04-2023 Heard the parties.

As both these bail applications have cropped up from the



same police station case number, hence, with consent of parties, they are being heard together and disposed of by this common order.

After some arguments, learned counsel for the petitioners seek permission to withdraw this application as against petitioner namely, Bhola Sah @ Bhola Kumar.

Permission is granted.

Accordingly, the instant application as against petitioner Bhola Sah @ Bhola Kumar is dismissed as withdrawn.

However, petitioner Bhola Sah @ Bhola Kumar is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass the order, on the same day, in accordance with law.

Now, this application is being heard with regard to the rest of the petitioners.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 304(B)/34 of the Indian Penal Code.

The allegation against the petitioners is that they in collusion with each other killed the sister of the informant on the pretext of non-fulfillment of demand for dowry.



It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. The petitioners are the in-laws and family members of the deceased. Learned counsel for the petitioners undertakes that the petitioner Bhola Sah @ Bhola Kumar is going to surrender before the learned Court below. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case as well as considering the arguments of the parties, let the above named petitioners namely, Suresh Sah, Shobha Devi, Shiv Kumar Sah and Chinta Kumari @ Chinta Devi, be released on *provisional* bail for a period of three months, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned



court below where the case is pending/Successor Court in connection with Bagaha (Pathkhaulia) P.S. Case No.545 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, the provisional bail of the petitioners shall be confirmed by the learned Court below within a period of three months, after satisfying that the petitioner Bhola Sah @ Bhola Kumar has surrendered before the learned Court below.

Accordingly, these applications are disposed of.

(Anjani Kumar Sharan, J)

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