

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17339 of 2023

Arising Out of PS. Case No.-68 Year-2022 Thana- SANOKHAR District- Bhagalpur

1. Ritesh Sah @ Ritesh Kumar Sah Son of Prakash Sah @ Jay Prakash Sah Resident of Village - Madarganj, P.O.- Madarganj, P.S.- Sanokhar (Amdanda), Dist. - Bhagalpur.
2. Rupesh Kumar Son of Prakash Sah @ Jay Prakash Sah Resident of Village - Madarganj, P.O.- Madarganj, P.S.- Sanokhar (Amdanda), Dist. - Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar, Advocate
For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners are apprehending their arrest in connection with Sanokhar(Amdanda) P.S. Case No. 68 of 2022 registered for the offence punishable under Section 304(B)/34 of the Indian Penal Code.

The informant's daughter was married to co-accused, namely, Bikram Sah 11 months prior to unfortunate day on which it is stated that she has been killed at her matrimonial home by her in-laws. The allegation is preceded by demand for Rs. 5 lakhs dowry and mistreatment and torture on account of non-fulfillment of demand.



The two petitioners before this Court are brother-in-laws (*Devar*) of the victim and are apprehending their arrest.

The learned counsel for the petitioners submits that other similarly situated co-accused, namely, Mukesh Sah @ Mukesh Kumar Sah, Nisha Kumari, Champa Devi, Prakash Sah @ Jay Prakash Sah, Abhishek Sah @ Abhishek Kumar and Pritee Kumari @ Payal Priya have been privileged with anticipatory bail vide orders dated 28-04-2023 and 11-05-2023, passed in Cr. Misc Nos. 12632 of 2023 and 12444 of 2023 respectively, taking note of the fact that the husband is already in custody. The petitioners' prayer for bail is made claiming parity with other co-accused persons. The submission is that one of the co-accused also had one antecedent like the instant petitioners.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, claim based on parity, nature of allegations levelled in the FIR, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed.

Accordingly, let the petitioners, above named, in the event



of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-XV, Bhagalpur, in connection with Sanokhar(Amdanda) P.S. Case No. 68 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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