

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20403 of 2023

Arising Out of PS. Case No.-388 Year-2021 Thana- MAHNAR District- Vaishali

1. VIKASH BHAGAT @ VIKASH KUMAR BHAGAT SON OF LATE RAM AKBAL BHAGAT RESIDENT OF VILLAGE- SARSAWAN DIYAR, P.S.- MAHNAR, DISTRICT- VAISHALI
2. MUNIYA DEVI @ MUNNI DEVI WIFE OF LATE RAM AKBAL BHAGAT RESIDENT OF VILLAGE- SARSAWAN DIYAR, P.S.- MAHNAR, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Singh, Sr. advocate Mr. Siddharth Harsh
For the State	:	Mr. Zainul Abedin
For the Informant	:	Mrs. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 07-08-2023 Heard learned counsel for the parties.

2. Petitioners apprehend arrest in a case registered for the offence punishable under Section 304B, 201/34 of the Indian Penal Code .

3. It is a case of dowry death. It is alleged that these petitioners along with other accused persons killed the daughter of informant for dowry.

4. Petitioner No.1 is husband and petitioner No.2 is mother-in-law of the deceased.

5. Learned counsel appearing for the petitioners submits that petitioners are innocent and have falsely been



implicated in the case. It is further submitted that the victim was under treatment since 01/11/2021 to 14/11/2021 and during treatment the informant and her family members along with petitioners were present thereafter she died and, as such, it cannot be said that these petitioners killed the daughter of informant. The FIR has been lodged after delay of 42 days which itself creates doubt over the prosecution case.

6. Learned counsel for the State and the informant opposed the prayer for bail and submits that petitioner No.1 is husband of the deceased and there is direct and specific allegation against him that he along with other accused persons committed the murder of his wife for dowry. The deceased died within seven years of marriage under unnatural circumstances.

7. Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioner No.1 on anticipatory bail. Accordingly, the same is rejected.

8. However, considering the fact that thrust of accusation is against the husband of the deceased and so far petitioner No.2 is concerned, allegation against her is general and omnibus and she is separate from the deceased in mess and property her prayer for anticipatory bail is allowed.

9. Accordingly, let the petitioner No.2, above named,



in the event of her arrest/ surrender within a period of six weeks from today shall be enlarged 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 CJM, Vaishali at Hajipur in connection with Mahnar PS case No. 388/ 2021, subject to conditions laid down u/s 438(2) of the Cr. P. C.

(Prabhat Kumar Singh, J)

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