

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28034 of 2023

Arising Out of PS. Case No.-879 Year-2022 Thana- MAJHAULIA District- West Champaran

1. MURARI SAH @ MURARI SHAH S/O- KESNATH SHAH R/o-Satpipra Bhumi Thari Tola, P.s.-Ramgarhwa, Distt.-West Champaran at Bettiah.
2. Subano Devi W/o- Murari Sah @ Murari Shah R/o-Satpipra Bhumi Thari Tola, P.s.-Ramgarhwa, Distt.-West Champaran at Bettiah.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Adv.

For the Opposite Party/s : Mr. Akhileshwar Dayal, Adv.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-07-2023 Heard Mr. Binay Kumar, learned counsel appearing on behalf of the petitioners and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Majhauilya P.S. Case No. 879 of 2022, dated 13.11.2022, arising out of G.R. Case No. 4916(A) of 2022, registered under Sections 304(B), 201, 120(b), 34 of the Indian Penal Code and added Section 302 of the I.P.C.

3. The prosecution case, in brief, is that the informant stated that the marriage of his sister namely Sujeeta Kumari was solemnized with Keshawlal Sah on 01.03.2020 in accordance with Hindu rituals. Further alleged that after sometime of



marriage, family members of her sasural demanded a motorcycle in and for non fulfilled she subjected to torture and cruelty. Thereafter the family members committed murder of informant's sister.

4. Learned counsel appearing on behalf of the petitioners submits that petitioner no.1 is cousin Son-in-law of the deceased and petitioner no. 2 happens to be cousin Daughter-in-law of the deceased. Both are living at different place after marriage. From the F.I.R., it appears that family members of the deceased is responsible for demanding dowry and committing murder of the informant's sister. In absence of ingredient of assault against the petitioner, no case under Section 304(B) of the I.P.C. is made out.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Having considered the nature of allegation made against the petitioners as well as the fact that the petitioner are living at different village and even from perusal of the F.I.R. there is no allegation of any demand having been made by the petitioners. The F.I.R. is also devoid of any allegation of involvement of the petitioners in the commission of alleged murder of the sister of the Informant, I am of the opinion that



the petitioners have made out a prima facie case to be released on bail.

7. The Court Below is directed to release the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran in connection with Majhauriya P.S. Case No. 879 of 2022, arising out of G.R. Case No. 4916 (A) of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in paragraph no. 3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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