

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33178 of 2022

Arising Out of PS. Case No.-216 Year-2019 Thana- TURKAULIYA District- East
Champaran

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1. DILIP SAH @ BANTI SAH Son of Ram Ashray Sah Resident of Village - Bijul Pur, P.S.- Turkauliya, Distt.- East Champaran.
 2. Santosh Sah Sonof Ram Ashray Sah Resident of Village - Bijul Pur, P.S.- Turkauliya, Distt.- East Champaran.
 3. Seema Devi W/o Santosh Sah Resident of Village - Bijul Pur, P.S.- Turkauliya, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava
For the Opposite Party/s : Mr.Satyendra Prasad

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 04-01-2023 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Turkauliya P.S. Case No. 216 of 2019 registered for offence punishable under sections 304 (B), 201/34 of the Indian Penal Code.

As per allegation, the daughter of the informant was married to petitioner no. 1 in the year 2015. The accused



persons inflicted atrocities on the deceased for non-fulfillment of demand of dowry. Lastly, they ousted her from the matrimonial house. On persuasion of the villagers, the daughter of the informant went again to her matrimonial house where the petitioners committed her murder on 29.03.2016.

The learned counsel for the petitioners has submitted that the FIR was lodged after three years of the occurrence on the instigation of some villagers. The entire allegation is false. As a matter of fact, the daughter of the informant died due to loose motion and vomiting and after three years, the informant has lodged the case only with intent to extort the petitioner. He has submitted further that the application of the informant submitted in *Janta Darbar* was sent to the Superintendent of Police, East Champaran, Motihari. He conducted enquiry through S.H.O., Turkaulia. The report of S.H.O., Turkaulia is Annexure-2, which shows that the informant herself apprised the S.H.O. that her daughter died due to vomiting and loose motion and the opponent of her son-in-law instigated the informant to lodge this case. In paragraph nos. 7, 8 and 9 of the case diary, the witnesses have stated that the deceased had died due to vomiting and loose motion and none has committed her murder.



Considering the above-mentioned facts and circumstances, the petitioners above-named, in the event of their arrest or surrender, within four weeks from today, are directed to be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Turkauliya P.S. Case No. 216 of 2019, subject to condition as laid down under section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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