

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37819 of 2023

Arising Out of PS. Case No.-385 Year-2022 Thana- MANJHI District- Saran

1. Munna Sah Son of Mahesh Sah Resident of Village- Manjhi, PS- Manjhi, Dist- Saran at Chapra
2. Vivek Sah Son of Mahesh Sah Resident of Village- Manjhi, PS- Manjhi, Dist- Saran at Chapra
3. Shanti Devi Wife of Mahesh Sah Resident of Village- Manjhi, PS- Manjhi, Dist- Saran at Chapra
4. Pinki Devi Wife of Anil Sah Resident of Village- Manjhi, PS- Manjhi, Dist- Saran at Chapra
5. Bebi Devi Wife of Munna Sah Resident of Village- Manjhi, PS- Manjhi, Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Pratap Singh, Adv.
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2023 Heard Mr. Tej Pratap Singh, learned counsel for the
petitioners and learned APP for the State.

2. Petitioner no.1, who happens to be *Bhaisur*,
petitioner no.2 *Dewar*, petitioner no.3 mother-in-law, petitioner
no.4 *Nanad* and petitioner no.5 *Gotni* of the deceased, are
apprehending their arrest in connection with Manjhi P.S. Case
No. 385 of 2022 registered for the offences punishable under
Sections 304B, 302 and 149 of the Indian Penal Code.

3. It is alleged that marriage of the sister of the
informant was solemnized with Vikash Sah in the year 2014.



However, soon after the marriage, she was subjected to ill-treatment on account of her dark complexion and on 06.10.2022 at around 08:00 AM, all the petitioners strangled her due to which she sustained serious neck injury and taken to her for treatment where she died on 14.10.2022.

4. Learned counsel for the petitioners with reference to the narrations made in the FIR, submits that there is no allegation of demand of dowry nor it is alleged that the deceased had ever been assaulted for any sort of reason. He further submits that this is the case of suicide on account of reason unknown to the petitioners and moreover soon after the occurrence, the victim was taken to the hospital and all the family members were all along present and bore all the expenses incurred upon her treatment. He further drawn the attention of this Court towards the Dead Body Carrying Certificate, which suggests that it is a case of suicidal hanging and death caused on account of cardio respiratory failure. Though the victim remained under treatment for over a period of seven days, in the meantime, no complain has been filed but soon after her death, the present FIR has been lodged. He lastly submits that from the wedlock, three children were born, who are living with the petitioners and so far the husband of the deceased is concerned,



he is behind the bar.

5. On the other hand, learned counsel for the State opposes the application for grant of pre-arrest bail and submits that the occurrence took place within the four wall of the house of the petitioners and their complicity cannot be denied.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners were all along present during the course of treatment and there is no allegation of any demand of dowry or cruelty over the same, coupled with their fair antecedent, let the above named petitioners, be released on bail, 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) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Saran at Chapra in connection with Manjhi P.S. Case No. 385 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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