

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36402 of 2023

Arising Out of PS. Case No.-109 Year-2020 Thana- MAHINDWARA District- Sitamarhi

1. Nantun Ram @ Nantun Kumar Son of Indal Ram Resident of village - Basudev Bisanpur, P.S. - Mahindwara, Distt. - Sitamarhi (Bihar)
2. Santosh Ram Son of Indal Ram Resident of village - Basudev Bisanpur, P.S. - Mahindwara, Distt. - Sitamarhi (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-07-2023 Heard Mr. Shankar Kumar, learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Mahindwara P.S. Case No. 109 of 2020 registered for the offences punishable under Sections 341, 323 and 302/34 of the Indian Penal Code.

3. Allegedly the marriage of the daughter of the informant was solemnized with Sudhar Ram and out of the said wedlock, a son was born. After the marriage, the daughter of the informant was subjected to demand of dowry and on non-fulfillment of the same, the accused persons assaulted her and ousted from her matrimonial home. Her husband also assaulted



her due to which, she received serious injury in her neck whereafter she came to her *Maika* and during the course of treatment, she died on 25.07.2020.

4. Learned counsel for the petitioners submits that from the narration of the FIR, it is evident that no specific allegation has been levelled against the petitioners, who are brother-in-law. Specific allegation has been levelled against the husband of the deceased. He further submits that from the FIR, it is evident that the victim was ousted from her matrimonial home on 10.06.2020 and thereafter she died on 25.07.2020, in the meantime, no complain whatsoever has been filed. However, soon after her death, the instant FIR has been instituted by making an omnibus allegation against the petitioners. That apart, he submits that the petitioners are men of fair antecedent and they undertake that they will fully cooperate in the investigation/trial. While concluding his submission, he also submits that the petitioners are residing separately from the deceased and her husband.

5. On the other hand, learned counsel for the State opposes the application for grant of pre-arrest bail.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the specific



allegation has been levelled against the husband of the deceased and not the petitioners, who are brother-in-law and moreover the deceased died in her *Maika* during the course of treatment, 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 Chief Judicial Magistrate, Sitamarhi in connection with Mahindwara P.S. Case No. 109 of 2020, 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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