

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41822 of 2023

Arising Out of PS. Case No.-520 Year-2022 Thana- SASARAM MUFFSIL District- Rohtas

1. Renu Devi Wife Of Shri Birendra Sah @ Birendra Prasad Resident Of Village- Bansha, Ps- Sasaram (M), District- Rohtas
2. Birendra Sah @ Birendra Prasad Son Of Late Ramdeo Sah Resident Of Village- Bansha, Ps- Sasaram (M), District- Rohtas
3. Ravi Kumar Son Of Shri Birendra Sah @ Birendra Prasad Resident Of Village- Bansha, Ps- Sasaram (M), District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Shekhar, Adv
For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 06-09-2023 Heard learned counsel for the petitioners and the
learned APP for the State.

2. The petitioners are apprehending their arrest in connection with G.R. No. 1986 of 2022 corresponding to Sasaram (M) P.S. Case No. 520 of 2022, dated 20.10.2022, registered for the offence punishable under Sections 302 and 34 of the Indian Penal Code.

3. The informant and her younger sister were both married in the family of the petitioners. It is alleged that informant's father had gone to her matrimonial home to pacify



the father-in-law and mother-in-law, who are petitioner nos. 2 and 1 respectively because they have been subjecting the younger sister of the informant to cruelty for non-fulfillment of demand for some money. The allegation is that he has been locked up in a room and beaten and due to the injury sustained, the father has died.

4. The learned counsel for the petitioners submits that the prosecution case is not corroborated by the postmortem report where there is no external injury and cause of death has been assigned as haemorrhage. In fact, the victim, upon reaching the house of the petitioners, suffered heart-attack and died. The informant, subsequently, realizing the true cause of death of the victim, has filed a petition in the court of C.J.M, Rohtas on 20.04.2023 (Annexure 3) stating specifically that under misconception the case was lodged, alleging killing of her father.

5. The learned APP for the State has opposed the prayer for anticipatory bail. It is submitted that the petitioners are named accused. The victim has died at their house.

6. Considering the rival submissions, the petition (Annexure-3) filed by the informant before the Court of C.J.M, Rohtas, postmortem report, wherein, external injuries have not



been found and the clean antecedent of the petitioners, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed.

7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released 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 the learned C.J.M, Rohtas, in connection with G.R. No. 1986 of 2022 corresponding to Sasaram (M) P.S. Case No. 520 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to



be cancelled.

(Madhuresh Prasad, J)

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