

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48046 of 2023

Arising Out of PS. Case No.-76 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. RAM DULARI DEVI wife of Shankar Bhagat Village- Adharpur Ps-
Samastipur Moffussil, Dist- Samastipur
 2. Shankar Bhagat son of Late Kallu Bhagat Village- Adharpur Ps- Samastipur
Moffussil, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Piyush Kumar Pandey

For the Opposite Party/s : Mr. Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 26-07-2023 Heard learned counsel for the parties.

2. This application has been filed for grant of regular bail in connection with Samastipur (Moffussil) P.S. Case No. 76 of 2021 registered for the offence punishable under Section 304 (B) of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. This is second attempt of the petitioners for anticipatory bail. The only ground for renewal of anticipatory bail by the petitioners who are father-in-law and mother-in-law of the deceased is that the co-accused have faced trial and have been acquitted. The witnesses which includes the family members of the deceased have turned hostile.



4. The F.I.R. was registered in 2021. The petitioners had moved this Court for anticipatory bail, the same was dismissed on 21.03.2022, thereafter the petitioners have not surrendered and they are absconders.

5. The deposition of witnesses in a separate trial cannot be relied by this Court to consider the anticipatory bail application of the petitioners. At this stage, the evidence which has come during investigation is sufficient for denying the anticipatory bail of the petitioners.

6. Accordingly, this application is dismissed. The petitioners are directed to surrender within four weeks. However, if the petitioners surrender and pray for regular bail, the trial court can consider the fact that the witnesses have not supported the case in the trial of co-accused.

(Sandeep Kumar, J)

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