

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56413 of 2023

Arising Out of PS. Case No.-146 Year-2023 Thana- SAHARSA SADAR District- Saharsa

1. JAWAHAR PRASAD BHAGAT @ JAWAHAR BHAGAT SON OF LATE MOHAN BHAGAT RESIDENT OF GANGJALA, NEAR RAILWAY GUMTI, WARD NO.19, SAHARSA, KAHRA, P.S. - SAHARSA, DISTRICT - SAHARSA
2. VIKASH KUMAR @ VIKASH BHAGAT SON OF SHRI JAWAHAR PRASAD BHAGAT @ JAWAHAR BHAGAT RESIDENT OF GANGJALA, NEAR RAILWAY GUMTI, WARD NO.19, SAHARSA, KAHRA, P.S. - SAHARSA, DISTRICT - SAHARSA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.D.Sanjay, Sr. Adv.
		Mr.Parul Prasad, Adv.
For the Opposite Party/s :		Mr.Bharat Bhushan, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-08-2023 Heard the learned Senior Counsel for the petitioners and the learned A.P.P. for the State.

2. This is an application for grant of anticipatory bail in connection with Saharsa Sadar P.S. Case No. 146 of 2023, registered for the offence punishable under Sections 342, 343, 302, 304(B), 201 & 120(B) of the Indian Penal Code.

3. The case of the prosecution, in brief, is that the marriage of the daughter of the informant was solemnized with one Mithilesh Kumar about three years back as per Hindu Rites and Rituals, during the course whereof, a sum of Rs. 5,00,000/- and



various gifts were given, whereafter the daughter of the informant had gone to her matrimonial home, however, after one year, the accused persons including the petitioners herein, who are the father-in-law and younger brother-in-law of the deceased victim lady started demanding a sum of Rs. 3,00,000/- by way of dowry and on account of non-fulfillment of the same, the accused persons killed the deceased victim lady and forcibly, performed her last rites.

4. The learned Senior Counsel for the petitioners submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned Senior Counsel for the petitioners has further submitted that the petitioners are the father-in-law and younger brother-in-law of the deceased victim lady and a general and omnibus allegation has been levelled as also they were staying separately from the deceased victim lady and her husband and if anyone is having any complicity in the matter, it is the husband of the deceased victim lady, namely, Mithilesh Kumar. Nonetheless, the leaned Senior Counsel for the petitioners has submitted that the petitioners be granted the privilege of anticipatory bail, subject to the main accused person, namely, Mithilesh Kumar, surrendering before the



learned Trial Court within a period of four weeks from today. Nevertheless, it is submitted that since the said Mithilesh Kumar is on dialysis, the Jail authorities be directed to take appropriate care and provide the required medical facilities to the said Mithilesh Kumar.

5. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned Senior Counsel for the petitioners, taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled qua the petitioners herein, they are stated to be staying separately from the deceased victim lady and her husband and are also ready and willing to be admitted to the privilege of bail, subject to the main accused person, namely, Mithilesh Kumar, surrendering before the learned Trial Court, though I deem it fit and proper to direct for admitting the petitioners to the privilege of anticipatory bail, however, subject to them furnishing proof of surrender of the said Mithilesh Kumar before the learned Trial Court within a period of four weeks from today and further, subject to such other conditions as may be deemed fit and



proper to be imposed by the learned Court of Chief Judicial Magistrate, Saharsa, in connection with Saharsa Sadar P.S.Case No. 146 of 2023, for the purposes of admitting the petitioners to the privilege of anticipatory bail.

7. The present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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