

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54344 of 2022

Arising Out of PS. Case No.-14 Year-2021 Thana- COMPLAINT CASE District- Kishanganj

1. Vinod Sah S/O Chandar Sah R/O Village - Churi Patti Dighal Bank, P.S.-
Dighal Bank, Dist.-Kishanganj
2. Sarthi Devi W/O Chandar Sah R/O Village- Churi Patti Dighal Bank, P.S.-
Dighal Bank, Dist.- Kishanganj
3. Kiran Devi D/O Chandar Sah R/O Village- Dhimma, P.S.- Korah, Dist.-
Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bajarangi Lal, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-01-2023 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode in view of COVID-19.

The petitioners apprehend their arrest in connection
with Complaint Case No.14 of 2021 instituted under Sections
304(B), 34 of the IPC.

As per the prosecution story, allegation is that of
poisoning the sister of the complainant namely Phool Devi who
was married to Kailash Sah. Accordingly, the FIR was lodged.

Learned counsel for the petitioners submit that
petitioners are family members of Kailash Sah being mother,



sister and brother. Further, the police had investigated the matter and submitted final form vide Dighalbank P.S. Case No.66 of 2019 dated 16.08.2013 (Annexure-3) but on protest, cognizance was taken in 2021 necessitating this petition.

Further submission is that accepting responsibility, the husband went to judicial custody and after being remaining in jail for more than a year, he was granted bail by a co-ordinate bench of this Court on 13-10-2020 vide Cr. Misc. No.14043 of 2020 (Annexure-6).

Learned APP on the other hand opposes the prayer for anticipatory bail stating that it is a case of dowry death.

Taking into consideration that the petitioners are family members of Kailash Sah (husband), two of them being ladies, Kailash Sah was in custody and subsequently released on bail, in this case final form was submitted and now cognizance has been taken and eventually the petitioners will face the trial, this Court is inclined to grant them relief.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Complaint



Case No.14 of 2021 to the satisfaction of learned Chief Judicial
Magistrate, Kishanganj, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan /-

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