

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56787 of 2023

Arising Out of PS. Case No.-54 Year-2023 Thana- KHODAWANDPUR District- Begusarai

1. Madan Sah S/O Late Jageshwar Sah Vill Bajitpur, Ward No. 3, Ps Khodawandpur Dist Begusarai
2. Deoki Devi W/O Madan Sah Vill Bajitpur, Ward No. 3, Ps Khodawandpur Dist Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey

For the Opposite Party/s : Mr. Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 19-12-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in Khodawandpur P.S. Case No. 54 of 2023 registered for the offences punishable under Sections 304B, 201, 34 of the Indian Penal Code pending in the Court of learned S.D.J.M., Manjhaul, Begusarai.

3. As per the prosecution case, it is allged that the informant's daughter was killed by the petitioners and other co-accused persons due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that the petitioners are innocent and have falsely been implicated in this



case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. He submits that in the postmortem examination the Doctors have not found any mark of violence on the body of deceased. He further submits that the Doctors have opined that the death caused by the asphyxia due to hanging. He also submits that in the supervision note the police has found the case true under Section 306 of the I.P.C.. The petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for anticipatory bail and submits that within nine months of marriage, the deceased died in her matrimonial home. He further submits that, it is alleged in the F.I.R., the petitioners and other co-accused have killed the informant's daughter and they set the dead body of the deceased on fire, but the informant and the other extinguished the fire and police had taken away the dead body for postmortem.

6. Considering the facts and circumstances of case nature of the offence and the fact that there is ample evidence against the petitioners in the case diary, I am not inclined to enlarge the petitioners on anticipatory bail. The prayer for



anticipatory bail of the petitioners is hereby rejected.

7. However, if the petitioners surrender before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order, considering the age of the petitioners.

(Anjani Kumar Sharan, J)

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