

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56812 of 2023

Arising Out of PS. Case No.-622 Year-2021 Thana- FORBESGANJ District- Araria

1. Anita Devi, W/O Raju Das, R/O Village- Tirsa Kund Samaul, Ward No.-8, P.S.- Forbesganj, Distt.- Araria.
2. Rajo Das @ Raju Das, S/O Bachu Das, R/O Village- Tirsa Kund Samaul, Ward No.-8, P.S.- Forbesganj, Distt.- Araria.
3. Shiliya Devi, W/O Bishundeo Das, R/O Village- Parwaha, Ward No.- 12, P.S.- Forbesganj, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 30-08-2023 Heard Mr. Nishant Kumar Sinha, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Forbesganj P.S. Case No. 622 of 2021 registered for the offences punishable under Sections 302, 201, 120(B)/34 of the Indian Penal Code.

3. Allegedly the marriage of the daughter of the informant was solemnized with co-accused Tuntun Das and while the daughter of the informant was opposing the relationship of her husband with petitioner no.1 outside the wedlock, she was beaten to death by her husband and others. It is further alleged that the informant was informed on phone that



his daughter is seriously ill. However, when he reached at the matrimonial house of his daughter, he found that the accused persons were burning the dead body of his daughter.

4. Learned counsel appearing on behalf of the petitioners submits that from the narrations made in the F.I.R., it is evident that specific allegation has been levelled against the husband of the deceased of demand of dowry and torture and relationship outside the marriage, but so far the petitioners are concerned, there is nothing. He next submitted that so far the petitioners no. 1 and 2 are concerned, they are not even named in the F.I.R., however, during the course of investigation, on suspicion, their names have sprung up and, accordingly, charge-sheet has been submitted against them. So far petitioner no.3 is concerned, though she is named in the F.I.R., in the capacity of one of the villager, but there is neither any allegation nor any material suggesting her complicity. He further submits that other co-accused persons, having identical allegation, have been allowed the privilege of anticipatory bail by the learned coordinate Bench of this Court in Cr. Misc. No. 69114 of 2022 vide order dated 03.04.2023, copy of which has been brought on record by way of Annexure-P/2 to the petition. He lastly submits that the petitioners have absolutely fair antecedents and they undertake that they will fully cooperate in the proceeding of the



Court.

5. On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the allegations levelled against the petitioners and the materials collected during the course of investigation and the fact that other co-accused persons, having identical allegation, have been allowed the privilege of anticipatory bail, coupled with their fair antecedent, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 622 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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