

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58640 of 2023

Arising Out of PS. Case No.-278 Year-2023 Thana- SIWAN MUFFASIL District- Siwan

1. Suganti Devi Wife Of Uma Kant Sah Village- Khanpur Ajmat PS- Thawe Dist- Gopalganj
2. Uma Kant Sah S/O- Late Lali Sah Village- Khanpur Ajmat PS- Thawe Dist- Gopalganj
3. Shailendra Kumar S/O- Uma Kant Sah Village- Khanpur Ajmat PS- Thawe Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Adv.

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 13-09-2023 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 304(B), 302 & 34 of the Indian Penal Code read with Section 3/4 of the Dowry Prohibition Act.

3. As per the prosecution, the FIR has been lodged against 8 named accused persons including the present petitioners that marriage of the son of the petitioner no.1 and 2 was solemnized with the daughter of the informant on 08.02.2016. Subsequently, there were demand of dowry from

the accused persons and torture of informant's daughter. It has been alleged that all the accused persons in connivance with each other have conspired to poison his daughter due to which the daughter of the informant died and the present case has been lodged.

4. Counsel for the petitioners submits that the petitioner no.1 is the mother-in-law, petitioner no.2 is the father-in-law and petitioner no.3 is the brother-in-law.

5. Counsel further submits that the husband of the deceased has surrendered before the Court of S.D.J.M., Siwan on 30.08.2023 and presently, he is in custody. Counsel submits that from the content of F.I.R., it transpires that the said offence has alleged to be taken place at Siwan whereas the petitioners are residing at Gopalganj.

6. Counsel further submits that petitioners are innocent and have committed no offence. Counsel also submits that the antecedent of the petitioner no.1 and 3 are clean whereas there is one criminal case pending against the petitioner no.2 in which he is on bail. Counsel further submits that so far as the merit of the case is concerned, there is absolutely a general and omnibus allegation made against the petitioners. He also submits that the said occurrence took place on 22.05.2023

whereas the F.I.R. has been lodged on 25.05.2023 i.e., delay of about 2 days. Counsel also submits that petitioners were participated in every ceremony of the wife of his son.

7. Learned APP for the State opposes the prayer for bail, but submits that in the light of the certified copy placed before this Court, it transpires that the husband of the deceased is already in custody by virtue of surrender on 30.08.2023.

8. In the present facts and circumstances, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M, Siwan in connection with Siwan Muffasil (Mahadewa O.P.) P. S. Case No.278 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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