

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61272 of 2023

Arising Out of PS. Case No.-54 Year-2023 Thana- INARWA District- West Champaran

1. Anil Sah @ Anil Kumar, aged about 32 years, son of Motar Sah @ Surendra Sah,
 2. Ravi Sah @ Ravi Kumar, aged about 25 years, Male, son of Motar Sah @ Surendra Sah,
 3. Motar Sah @ Surendra Sah, aged about 59 years, Male, son of Laxman Sah @ Lachuman Sah,
 4. Manju Devi, aged about 55 years, wife of Motar Sah @ Surendra Sah, Resident of Village- Khamhiya, PS- Inarwa, District West Champaran
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Yogendra Kumar Singh, APP
For the Informant	:	Mr. Sujeet Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 13-12-2023 Heard learned counsel for the petitioners; learned Additional Public Prosecutor for the State as well as learned counsel for the informant, who has appeared *suo motu*.

2. The petitioners apprehend arrest in connection with Inarwa PS Case No.54 of 2023 dated 28.05.2023, instituted under Sections 304-B, 201/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that the petitioners along with other accused persons have committed murder of the deceased (daughter of the informant) due to non-fulfillment of demand of dowry.



4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that petitioner nos. 1 and 2 are the brothers of the husband of the deceased and petitioner nos. 3 and 4 are the father-in-law and mother-in-law of the deceased. The husband of the deceased was living separately from his parents and brothers since long they have no concern with the family affairs of the deceased and her husband. It is also submitted that there is no specific allegation against any of the petitioners of committing any torture or cruelty or making any demand. As per the FIR, the marriage was solemnized in the month of June, 2016, and there was no complaint against them in between the period. Learned counsel further submits that the actually marriage of the deceased was solemnized on 22.02.2016 and the alleged date of occurrence is 27.05.2023 and as such, the deceased died after seven years of her marriage, but only with a view to bring the case under the purview of Section 304-B of the Indian Penal Code, the informant has wrongly mentioned the date of marriage in the month of June, 2016. It is further submitted that no offence under Section 304-B of the Indian Penal Code is made out against the petitioners since there is no allegation of demand of dowry soon before the death of the



deceased. Learned counsel further submits that in paragraph 6 of the case diary, witness Manu Kumar, who is the brother of the deceased, has specifically stated in his statement recorded under Section 161 Cr.P.C. that on 27.05.2023, his brother-in-law had called him on mobile and stated about killing of the deceased. Further submission of learned counsel is that there is no eye witness of the occurrence and the husband of the deceased is already in custody since 03.06.2023. The petitioners have no criminal antecedents.

5. Learned APP as well as learned counsel for the informant has opposed the prayer for bail. Learned counsel for the informant submits that the petitioners as well as husband of the deceased are all living in jointness in the same house and all are liable for murder of the deceased on account of non-fulfillment of demand of dowry.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Bettiah, West Champaran,



in Inarwa PS Case No.54 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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