

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61450 of 2023

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

1. SRIKANT SAH son of Late Lali Sah Village- Khanpur Azmat Ps- Thawe Dist- Gopalganj At Present- Hospital Road Near Pakri More Ps- Siwan Muffasil Mahadewa OP Dist- Siwan
2. Shailesh Devi wife of Sri Kant Sah Village- Khanpur Azmat Ps- Thawe Dist- Gopalganj At Present- Hospital Road Near Pakri More Ps- Siwan Muffasil Mahadewa OP Dist- Siwan
3. Piyush Kumar son of Sri Kant Sah Village- Khanpur Azmat Ps- Thawe Dist- Gopalganj At Present- Hospital Road Near Pakri More Ps- Siwan Muffasil Mahadewa OP Dist- Siwan
4. Vishal Kumar son of Sri Kant Sah Village- Khanpur Azmat Ps- Thawe Dist- Gopalganj At Present- Hospital Road Near Pakri More Ps- Siwan Muffasil Mahadewa OP Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajeev Ranjan, Advocate
For the Opposite Party/s	:	Mr.Md. Aslam Ansari, APP
For Informant	:	Mr.Rakesh Kr. Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-10-2023 1. Heard the learned counsel for the petitioners and
learned APP for the State.

2. This is an application for grant of anticipatory bail
in connection with Siwan Mufassil (Mahadewa O.P.) P.S. Case
No.278 of 2023, registered for offences under Sections 304(B),
302 and 34 of the IPC.

3. The case of the prosecution, in brief, is that the
marriage of the daughter of the informant was solemnized with



one Sanjay Kumar Sah on 08.02.2016, as per Hindu rites and rituals, whereafter the daughter of the informant had gone to her matrimonial home and subsequently, the daughter of the informant is alleged to have been administered poison, resulting in her death. The reason for killing the daughter of the informant is non-fulfilment of the demand for dowry.

4. The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that as far as the petitioners no.2 to 4 are concerned, they are having clean antecedent, while petitioner no.1, though is an accused in one another case but he is on bail in the said case. It is also submitted that the petitioner no.1 is the uncle-in-law of the deceased victim lady, while the petitioner no.2 is aunt-in-law and the petitioners no.3 and 4 are cousins brother-in-law of the deceased victim lady. It is next contended that the husband of the deceased victim lady has already surrendered before the learned Court of Sub-Divisional Judicial Magistrate, Siwan on 30.08.2023 and is in custody, whereafter, considering this fact, the father-in-law, mother-in-law as also the sister-in-law of the deceased victim lady have been granted the privilege of anticipatory bail by a co-ordinate Bench of this



Court vide order dated 13.09.2023, passed in Cr.Misc.No.58640 of 2023.

5. *Per contra*, the learned APP for the State as also the learned counsel for the informant have vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the parity of the case of the petitioners with that of the co-accused persons, who have already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

7. Accordingly, the above named petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st, Siwan, in connection with Siwan Mufassil (Mahadewa O.P.) P.S. Case No.278 of 2023, subject to the conditions as laid down



under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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