

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65353 of 2022

Arising Out of PS. Case No.-125 Year-2022 Thana- SUGAULI District- East Champaran

1. GORAKH THAKUR Son of Late Surat Thakur Resident of village - Srikhindi, P.S.- Sugauli, District - East Champaran
2. Ajay Thakur Son of Gorakh Thakur Resident of village - Srikhindi, P.S.- Sugauli, District - East Champaran
3. Vijay Thakur Son of Gorakh Thakur Resident of village - Srikhindi, P.S.- Sugauli, District - East Champaran
4. Krishnawati Devi Wife of Ajay Thakur Resident of village - Srikhindi, P.S.- Sugauli, District - East Champaran
5. Gayatri Devi @ Gayanti Devi @ Jagwati Devi Wife of Vijay Thakur Resident of village - Srikhindi, P.S.- Sugauli, District - East Champaran
6. Munna Thakur Son of Sitaram Thakur Resident of village - Pachauri Tola, P.S.- Ramgarhwa, District - East Champaran
7. Babita Devi Wife of Munna Thakur Resident of village - Pachauri Tola, P.S.- Ramgarhwa, District - East Champaran
8. Rajkapur Thakur Son of Bir Bahadur Thakur Resident of village - Gamhariya, P.S.- Banjariya, District - East Champaran
9. Kiran Devi @ Kanti Devi Wife of Munna Thakur Resident of village - Gamhariya, P.S.- Banjariya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Ms.Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-04-2023 Heard learned counsel appearing on behalf of the

petitioners and learned Additional Public Prosecutor appearing

on behalf of the State.

Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.



At the outset, learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail petition in respect of Petitioner No.1, namely, Gorakh Thakur.

Request allowed.

Accordingly, the present anticipatory bail petition against petitioner no.1 stands dismissed as withdrawn.

Now, the present anticipatory bail application is limited with only eight above named co-accused persons as starting from serial No. 2 to 9.

The accused/petitioners are named in F.I.R and apprehending their arrest in connection with Sugauli P. S. Case No. 125 of 2022 registered for the offences punishable under Sections 323, 324, 379, 498A, 304B, 420, 504, 34 of the Indian Penal Code and 3/4 of the D.P. Act.

The allegation against above named petitioners is to cause death of daughter of informant along with other co-accused persons/family members, due to non-fulfillment of demand of dowry as raised for cash of Rs. 5 lac.

Learned counsel appearing on behalf of the petitioners submitted that petitioner nos.2 and 3 are brother of the husband of the deceased, whereas the petitioner nos. 4 and 5 are their wife. It is submitted that thrust of allegation as to cause death of



daughter of informant is available against the husband and father-in-law, namely, Gorakh Thakur. It is further submitted that petitioner nos. 6, 7, 8 and 9 are distant relatives, living in different villages and having no connection with daily and domestic affairs of the deceased and her husband. It is also submitted that matter has been compromised between the parties and a joint compromise petition of the said effect was filed before learned Chief Judicial Magistrate, Motihari, East Champaran, on 13.06.2022. While concluding the argument, it is submitted that petitioner nos. 4, 5, 7 and 9 are ladies, who are having of clean antecedent and petitioner nos. 2, 3, 6 and 8 are also persons of clean antecedent.

Learned APP, while opposing the prayer of bail submitted that as offence alleged is heinous in nature and is also non-compoundable and, as such, any compromise is of no bearing over the merit of the case, whereas learned APP conceded that petitioners are in-laws of the deceased.

Considering the aforesaid facts and circumstances, as above named petitioners are in-laws, where thrust of allegation of causing death is available against husband and father-in-law of the deceased, let above named petitioners as starting from serial nos. 2 to 9, in the event of their arrest or surrender within



a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East-Champaran/concerned Court, in connection with Sugauli P. S. Case No. 125 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

U		T	
---	--	---	--

