

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3615 of 2023

Arising Out of PS. Case No.-787 Year-2021 Thana- GARKHA District- Saran

1. SUNITA DEVI Wife of Akhilesh Bhagat Resident of Village- Dewariya, P.S.- Masrakh, District- Saran at Chapra
2. DINESH KUMAR BHAGAT @ DINESH KUMAR Son of Munshi Bhagat Resident of Village- Raghupur, P.S.- Garkha, District- Saran at Chapra
3. TARA DEVI Wife of Munshi Bhagat Resident of Village- Raghupur, P.S.- Garkha, District- Saran at Chapra
4. MUNSHI BHAGAT Son of Mathura Bhagat Resident of Village- Raghupur, P.S.- Garkha, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr.Narendra Kumar, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-05-2023 Heard the learned counsel for the
petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Garkha P.S. Case No. 787 of 2021 registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

The allegation is regarding the marriage of the daughter of the informant being solemnized with the co-accused person namely, Narayan Bhagat on 16.11.2016, whereafter she had gone to her matrimonial home, however, subsequently the



accused persons had started making demand for dowry and finally on account of non-fulfillment of the same, it is alleged that the accused persons had killed the daughter of the informant.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted the petitioner no. 1 is the sister-in-law of the deceased victim lady, petitioner no. 2 is the brother-in-law, while the petitioner no. 3 is the mother-in-law and the petitioner no. 4 is the father-in-law of the deceased victim lady and they have got no role to play in the alleged occurrence. It is further submitted that the main accused i.e. the husband of the deceased victim lady has already applied for grant of bail, hence the present petition be disposed off with an observation that either in case the husband of the deceased victim lady surrenders before the court below or he is granted the privilege of bail, the petitioners be admitted to



the privilege of anticipatory bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

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, this Court deems it fit and proper to dispose off the present petition with a direction to the learned court of Judicial Magistrate-1st Class, Saran at Chapra in connection with Garkha P.S. Case No. 787 of 2021 to admit the petitioners to the privilege of anticipatory bail, immediately upon either the husband of the deceased victim lady being granted bail or upon him surrendering before the learned court below.

The petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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