

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1953 of 2023

Arising Out of PS. Case No.-470 Year-2022 Thana- ARA NAWADA District- Bhojpur

1. SAVITA KUMARI DAUGHTER OF SHARVANAND YADAV R/O VILL.-
AYAR, POST- AYAR, P.S.-ARA NAWADA, IN THE DISTRICT OF
BHOJPUR ARA
2. SUNIL KUMAR YADAV @ DHANJIT KUMAR SON OF
SHARVANAND YADAV R/O VILL.- AYAR, POST- AYAR, P.S.-ARA
NAWADA, IN THE DISTRICT OF BHOJPUR ARA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ganesh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioners, learned
counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 304(B),
120(B) and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the
petitioners are persons with clean antecedent and petitioner no. 1
is married sister-in-law of the deceased and petitioner no. 2 is
younger brother-in-law of the deceased, it is next submitted
husband of the deceased is in custody. It is further submitted
that marriage of the deceased with the brother of the petitioners
was performed in the year 2019, it is also submitted that from



bare perusal of the allegation as alleged in the FIR it would manifest that the allegations relating to dowry is general and omnibus in nature though it is alleged that money and land was being demanded but what amount and land was being demanded is not disclosed. The learned counsel for the petitioners thus submits that it has become a fashion to implicate the entire family members whenever a death occur, it is further submitted that no doubt it is the duty of the husband to ensure the well being of his wife but then the same by no stretch of imagination can lead to an inference that the entire family members were involved in the death of the deceased, it is also submitted that the deceased committed suicide.

The learned counsel thus submits that even if she committed suicide then also the condition was made conducive by the husband who is already in custody but then the entire family members being implicated based on general and omnibus allegation and that too when informant is not an eye witness to the occurrence and the demand of dowry is not alleged with clarity, as such, it would not be prudent for the Court to reject the anticipatory bail application of the petitioners.

Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the



petitioners but are not in a position to rebut the submissions of the learned counsel for the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Ara Nawada P.S. Case No. 470 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

GauravSinha/-

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