

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12362 of 2024

Arising Out of PS. Case No.-602 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Vijay Sahani S/O LATE LKHETI SAHANI @ LATE REWATI SAHANI VILLAGE- BAHUARI, WARD NO. 09, PS. LAKHAURA, DIST. EAST CHAMPARAN AT MOTIHARI
 2. PARGAN SAHANI S/O SITARAM SAHANI VILLAGE- BEL TOLA, PS. SUGAULI, DIST. EAST CHAMPARAN AT MOTIHARI.
 3. FULA DEVI W/O DWARIKA SAHANI VILLAGE- BEL TOLA, PS. SUGAULI, DIST. EAST CHAMPARAN AT MOTIHARI.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar
For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-03-2024 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Muffasil (Lakhaura) P.S. Case No. 602 of 2023 dated 22.08.2023 registered under Sections 302, 304(B), 201 and 34 of the I.P.C. and Section 3/4 of the Dowry Prohibition Act.

3. As per the prosecution case the marriage of the niece of the informant was solemnized with the son of petitioner no. 1 Abhay Sahni about one year back. After marriage the accused persons started demanding motorcycle in dowry and due to non fulfillment of demand, they tortured the victim girl physically as well as mentally and lastly all the accused persons killed the



informant's niece and secretly disposed her dead body. The informant came to know about the death of his niece on 22.08.2023 from the villagers.

4. Learned counsel for the petitioners submits that the petitioner no. 1 is the father-in-law of the deceased and the petitioner nos. 2 & 3 are relatives i.e. *Mama* and *Mami* of the deceased's husband and are residing separately. He further submits that the deceased has died due to heart failure and at the time of cremation of the deceased the informant had participated in the funeral.

5. I have heard learned counsel for the parties. Within one year of the marriage the victim girl has died in her matrimonial home. There is demand of dowry and torture meted out to the victim girl in the First Information Report. As per Section 113B of the Evidence Act there is presumption against the accused persons. From perusal of the impugned order it appears that before the district court the petitioners took a defence that the victim committed suicide and died of hanging whereas before this Court a defence has been taken that she died of heart attack. Since the petitioner no. 1 is the father -in- law of the deceased and is the head of the family, as such, I am not inclined to grant anticipatory bail to petitioner no. 1.



6. Insofar as the petitioner nos. 2 & 3 are concerned, they are distant relatives of the husband of the deceased and are residing separately, as such, I am inclined to grant anticipatory bail to the petitioner nos. 2 & 3.

7. This application is dismissed qua the petitioner no. 1.

8. Let the petitioner nos. 2 & 3 , above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Motihari, East Champaran in connection with Muffasil (Lakhaura) P.S. Case No. 602 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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