

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11037 of 2024

Arising Out of PS. Case No.-180 Year-2023 Thana- GOPALPUR District- Gopalganj

1. Kiran Devi W/o Musafir Prasad
2. Lakhi Devi W/o Suresh Prasad
3. Suresh Prasad S/o Late Pawhari Prasad @ Pahwari Sah
All R/o vill - Ratanpura, P.S. - Gopalpur, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Umesh Lal Verma, APP
Mr. Indrajeet Bhushan, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 06-03-2024 1. Heard learned counsel for the petitioners, learned APP for the State and the learned counsel appearing on behalf of the O.P. No.2.
2. The petitioners seek bail in anticipation of his arrest in a case registered for the offences punishable under Sections 304(B) read with Section 34 of the Indian Penal Code.
3. The learned counsel for the petitioners submit that petitioners are falsely implicated in the present case by the informant. It is next submitted that the informant alleges that his daughter was married to Musafir Prasad and for non-fulfillment of demand of dowry she was killed.
4. It is next submitted that the allegation of demand



and torture is general and omnibus in nature. It is further submitted that the marriage in between Musafir Prasad and deceased took place in the year 2013, though in the FIR it is alleged that the marriage in between Musafir Prasad and deceased was performed in the year 2017. It is further submitted that petitioner no.1 is second wife of Musafir Prasad and petitioner no.2 and 3 are his parents. It is further submitted that the learned co-ordinate Bench by order dated 28.02.2024 in Cr. Misc. No.11781 of 2024 has been pleased to grant regular bail to Musafir Prasad. It is further submitted that since the husband of the deceased has been granted regular bail no fruitful purpose would be served by sending the petitioners to jail when the allegations against them are general and omnibus in nature and the informant is not an eyewitness to the occurrence. The learned counsel next submits that petitioner will not abscond rather will cooperate in the investigation.

5. The learned APP along with learned counsel for the O.P. No.2 opposes the anticipatory bail application, but are not in a position to rebut the submission of the learned counsel for the petitioners that husband of the deceased has been granted the privilege of regular bail by this Court.

Considering the submissions made by the learned



counsel for the petitioners, the petitioner above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM,Vth, Gopalganj in connection with Gopalpur P.S. Case No.180 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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