

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14310 of 2024

Arising Out of PS. Case No.-679 Year-2023 Thana- CHANPATIA District- West Champaran

1. Niraj Ram @ Neeraj Ram S/o Yogendra Ram R/o Village- Lagunaha, Pokhra Tola, Ward No. 13, P.S.- Chanpatiya, District- West Champaran
2. Jitendra Ram S/o Yogendra Ram R/o Village- Lagunaha, Pokhra Tola, Ward No. 13, P.S.- Chanpatiya, District- West Champaran
3. Sugi Devi W/o Yogendra Ram R/o Village- Lagunaha, Pokhra Tola, Ward No. 13, P.S.- Chanpatiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Chanpatiya P.S. Case No. 679 of 2023 dated 13.11.2023 for the offence punishable u/s 304B, 201 and 120B of the Indian Penal Code.

3. As per the prosecution case, the daughter of the informant was married with co-accused Akhilesh Ram and the petitioners are his brothers and mother respectively. Allegation against the petitioners and other co-accused persons is that of demanding dowry and inflicting torture on non-fulfillment of



demand. Later on the daughter of the informant was killed and her dead body was disposed of.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case being the family members of the husband of the deceased. The petitioner Nos. 1 and 2 are brothers and petitioner No. 3 is mother of the husband of the deceased and they all are separate in mess and property and the petitioners are having no concern with the family affairs of the deceased and her husband. There is no specific allegation of torture, cruelty or assault against the petitioners and the allegation of demand of dowry is without substance as they live separately from the house of the deceased. Learned counsel further submits that the true facts of the case is that the marriage of the deceased was solemnized with co-accused Akhilesh Ram more than seven years back on 22.04.2014. She gave birth of three children. Birth of first child was in the year 2017 but the informant has wrongly stated in the FIR that the marriage is of six years back only in order to bring the case under the purview of dowry death. Learned counsel further submits that the husband of the petitioner No. 3 is already in custody. The petitioners have no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for



the informant have vehemently opposed the prayer for anticipatory bail of the petitioners. Learned counsel for the informant submits that the petitioner Nos. 1 and 2 also took Rs. 50,000/- each from the informant and there is allegation against all the family members of demand of dowry, torture and cruelty.

6. Considering the aforesaid facts and circumstances of the case and considering the fact that the petitioners are the in-laws of the deceased and further considering the lack of substantive material against the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Bettiah, West Champaran in connection with Chanpatiya P.S. Case No. 679 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Arun Kumar Jha, J)

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