

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14814 of 2024

Arising Out of PS. Case No.-193 Year-2023 Thana- BELA District- Sitamarhi

1. Kedar Sah, Son of Late Halkhori Sah, Resident of Village- Punaura Bakhari, Bakhori Police Station- Punaura, District- Sitamarhi
2. Vijay Sah, Son of Rambali Sah @ Bali Sah, Resident of Village- Salempur, P.S.- Tariyani, District- Sheohar
3. Ajay Sah, Son of Rambali Sah @ Bali Sah, Resident of Village- Salempur, P.S.- Tariyani, District- Sheohar
4. Kishore Sah @ Kishore Kumar Son of Rambali Sah @ Bali Sah, Resident of Village- Salempur, P.S.- Tariyani, District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Madhubala Verma, Advocate
For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Bela P.S. Case No. 193 of 2023 registered for the alleged offences under Sections 304(B)/34 of the Indian Penal Code.

3. As per the prosecution case, the daughter of the informant got married after love affair with co-accused Sanjay Kumar. Thereafter, the daughter of the informant was taken by her co-accused husband to his place of business where the



petitioner no.1 was also doing business. Thereafter, there is allegation of demand of Rs. 1 lac and a vehicle against the petitioner no.1 and co-accused Sanjay Kumar. Further allegation is that other petitioners had also been demanding dowry. Later on, the daughter of the informant was found dead in her matrimonial home.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioner no.1 is the brother-in-law of the husband of the deceased and the petitioner nos.2, 3 & 4 are his brothers. From the FIR itself, it is apparent that there was love affair with the deceased and co-accused Sanjay Kumar and she had been living separately from the petitioners. There is general and omnibus allegation against the petitioners without any specific material and allegation of demand of dowry is not believable in the light of love marriage of the co-accused with the deceased and it is also apparent that marriage was solemnized in a temple. The co-accused husband is in custody. The petitioners are having clean antecedents.

5. Learned APP vehemently opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the general and vague nature of allegation against the petitioners without any substantive material against them and further considering the relationship of the petitioners with the deceased and also considering the possibility of false implication, the petitioners, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sadar, Sitamarhi, in connection with Bela P.S. Case No. 193 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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