

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17485 of 2024

Arising Out of PS. Case No.-140 Year-2023 Thana- SAHEBGANJ District- Muzaffarpur

1. Indradev Rai @ Indradev Yadav, S/O- Sahdev Yadav, R/O- Village- Bhalui Sikandar, P.S.- Sahebganj, Dist.- Muzaffarpur.
2. Sakila Devi @ Ramjhari Devi, W/O- Late Bashudev Ray R/O- Village- Bhalui Sikandar, P.S.- Sahebganj, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Bela Singh

For the Opposite Party/s : Mr. Arvind Kumar Pamdey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Sahebganj P.S. Case No. 140 of 2023, registered on 06.04.2023 for the offences under Sections 304B/34 of the Indian Penal Code.

3. As per prosecution case, daughter of the informant died within seven years of her marriage in her matrimonial home and there is allegation that the petitioners and other co-accused persons caused her death due to non-fulfillment of demand of Bullet motorcycle and the deceased was tortured and assaulted by them.



4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Petitioner no.1 is the uncle of the husband of the deceased and petitioner no.2 is the mother-in-law of the deceased. No occurrence as alleged has ever taken place. Petitioners never made any demand of dowry and never assaulted or tortured the daughter of the informant. Petitioners have no concern with the daily affairs of the husband of the deceased. Learned counsel further submits that the real fact of the case is that the deceased was ill and her husband got her admitted in Prasant Medical Hospital, Muzaffarpur but her life could not be saved. Informant was fully aware of all the facts but at the instance of enemies of the family of the petitioners, he has lodged the false and concocted case. However, a petition has been filed on behalf of the informant on 08.05.2023 narrating the real facts. Learned counsel further submits that from the FIR, it is evident that the marriage had taken place more than seven years ago and for this reason no offence under Section 304B of IPC is made out against the petitioners. Moreover, allegations are general and omnibus and no specific allegation has been levelled against the petitioners. Petitioners are having clean antecedent.



5. Learned APP opposes the submission made on behalf of the petitioners. Learned APP submits that there is specific allegation against the petitioners and other co-accused persons for causing dowry death of the daughter of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the relationship of the petitioners with the deceased and further considering the lack of substantive material in the background of vague allegation against the petitioners and also considering the clean antecedent of the petitioners coupled with probability of false implication, let 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 bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Court No.4, West Muzaffarpur/concerned court in connection with Sahebganj P.S. Case No. 140 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other 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)

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