

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25651 of 2024

Arising Out of PS. Case No.-810 Year-2023 Thana- SIKARPUR District- West Champaran

1. Samshul Miyan @ Samshul Miya, Son of Late Nathuni Miya @ Nathuni Miyan Resident of ward no. 2, Village- Aamwatola, Kesariya, P.S. Shikarpur, District- West Champaran
2. Mahrul Miya @ Maharul Nesha, Wife of Samshul Miyan @ Samshul Miya Resident of Ward No.-2, Village- Aamwatola, Kesariya, P.S. Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vatsal Verma
For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 05-07-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the petitioners, being father in-law and mother in-law of the deceased have been falsely implicated in the instant case by the informant. It is next submitted that daughter of the informant was married to the son of the petitioners in the Year 2011 and out of the wedlock, three children were born. It is next



submitted that victim (deceased) was suffering from leprosy for which she was treated by the Leprosy Mission Hospital Muzaffarpur, as would manifest from Annexure-2 series to the anticipatory bail application. It is next submitted that the deceased was discharged by the hospital on 29.09.2023 and thereafter, she died on 10.10.2023. It is submitted that the death was natural, but then, the informant taking the same as an opportunity instituted the instant F.I.R. with an allegation that the victim, after marriage, was being tortured for non-fulfilment of demand of dowry. It is further alleged that on 10.10.2023, the victim had called the informant informing that the accused persons including the petitioners were torturing her. Accordingly, the informant went to the place of occurrence and saw the accused persons including the petitioners assaulting her daughter, but somehow, the situation was brought under control thereafter, in the night of 10.10.2023, it is alleged that the informant saw the accused persons including the petitioners strangulating her daughter leading to death.

4. The learned counsel for the petitioners submits that it absolutely does not stand to reason that if the accused persons including the petitioners had any intention of committing an occurrence of the nature as alleged, then definitely they would



not have done in presence of the informant. Is it also submitted that the marriage of the deceased with the son of the petitioners was performed in the Year 2011 and in between 2011 till 2023, no complain either by the informant or the deceased was made with regard to demand of dowry. It is also submitted that when informant alleges that her daughter was killed in her presence on 10.10.2023, then why the instant F.I.R. came to be instituted on 13.10.2023 based on fard-bayan of the informant dated 12.10.2023 i.e. the case was instituted by the informant after two days of the occurrence, which cast an aspersion on the case of the prosecution. It is also submitted that husband of the deceased is in custody and petitioners will not abscond rather will cooperate in the investigation.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, 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) each with two sureties of the like amount each to the satisfaction of the learned Judicial



Magistrate, Bettiah, West Champaran in connection with
Shikarpur P. S. Case No.810 of 2023, subject to the conditions
laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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