

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40274 of 2024

Arising Out of PS. Case No.-581 Year-2022 Thana- SHAHPUR PATORI District- Samastipur

1. Sita Kumari Wife of Nanhki Sahni @Nandki Sahni RESIDENT OF VILLAGE- UTTARI DHAMOUN, PS- PATORI, DIST- SAMASTIPUR
2. NANHKI SAHNI @ NANDKI SAHNI SON OF NAGENDRA SAHNI RESIDENT OF VILLAGE- UTTARI DHAMOUN, PS- PATORI, DIST- SAMASTIPUR
3. MANTUN SAHNI SON OF NAGENDRA SAHNI RESIDENT OF VILLAGE- UTTARI DHAMOUN, PS- PATORI, DIST- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-08-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Patory P.S. Case No. 581 of 2022 for the offence under Sections 341, 323, 304B, 201, 504, 506 and 34 of the I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act lodged on 08.12.2022 by the informant, Adalat Mahto.

3. As per the prosecution story, the informant alleged that his daughter was married to Vishwanath Sahni in the year 2017 but was always tortured for dowry by the in-laws and on 06.12.2022 came to their notice through the call of the neighbours, that she has been killed, as he reached the in-laws



place, neither the daughter nor in-laws were present in the house. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that they are family members inasmuch as are sister-in-law (*gotni*) and brothers-in-law (*devar*) have no role to play, living separately and the last submission is that the husband is in custody since 15.02.2023 (paragraph-7 of the petition).

5. Learned APP opposes the prayer stating that allegation of torture is against all the accused persons.

6. Though, the allegation is/are there, the petitioners claim to live separately, are sister-in-law and brothers-in-law and the husband is in custody, this Court is inclined to extend them privilege of anticipatory bail with conditions.

7. Let the petitioners be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Samastipur, in connection with Patory P.S. Case No. 581 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official



document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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