

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37497 of 2024

Arising Out of PS. Case No.-49 Year-2024 Thana- AMAUR District- Purnia

1. Gunai Gupta @ Gunat Kumar Son of Late Ajit Gupta Resident of village- Talbari Kohbara,P.S- Amour, Dist-Purea
2. Prashant Gupta Son of Late Satish Gupta Resident of village- Talbari Kohbara,P.S- Amour, Dist-Purea
3. Deepak Kumar Son of Bankin Gupta Resident of village- Talbari Kohbara,P.S- Amour, Dist-Purea
4. Kakoli Devi @ Kakouli Devi Wife of Gunai Gupta @ Gunat Kumar Resident of village- Talbari Kohbara,P.S- Amour, Dist-Purea
5. Kalachand Das @ Kalachand Gupta Son of Late Birsakatu Gupta Resident of village- Talbari Kohbara,P.S- Amour, Dist-Purea
6. Nakun Gupta @ Nakul Kumar Gupta Son of Kamal Deo Gupta Resident of village- Talbari Kohbara,P.S- Amour, Dist-Purea
7. Mamta Devi @ Chumuni @ Mamta Gupta Wife of Nakun Gupta @ Nakul Kumar Gupta Resident of village- Talbari Kohbara,P.S- Amour, Dist-Purea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Santana Gupta Wife of Amardeep Gupta and Daughter of Ashok Vishwas Resident of village- Talbari Kohbara,P.S- Amour, Dist-Purea

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bidhu Ranjan, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, APP
For the O.P. No.2	:	Mr. Vikram Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State as well as learned counsel for the informant.

02. In the present case, the petitioners are apprehending their arrest in connection with Amour P.S. Case No. 49 of 2024 registered for the alleged offence under Sections 147, 148, 149, 498(A), 302, 201 and 120(B) of the Indian Penal Code.



03. As per prosecution case, the petitioners, who are in-laws of the complainant/informant, allegedly killed the husband of the informant by administering him poison. Further allegation against the petitioners is that they had been demanding Rs. 10 lakh in dowry.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The death of the husband of the informant took place on 20.12.2023 and the complaint has been lodged on 16.01.2024 and FIR came to be lodged on 28.01.2024. The complainant has made all the family members including distant relatives of her husband accused in this case without any substantive material. The husband of the informant died after consuming poisonous country made liquor and her dead body was cremated by the informant and her in-laws. It was a love marriage and allegation of demand of dowry is not believable and the distant relatives have been made accused in this case, which also shows falsity of accusation. Learned counsel further submits that the witnesses were examined during investigation and they stated that husband of the informant died after illness and the informant had also left her husband and he was staying alone. The petitioners are having clean antecedent.

05. Learned A.P.P. for the State as well as learned counsel for the informant oppose the submission made on behalf



of the petitioners. Learned counsel for the informant submits that the petitioners committed murder of husband of the informant.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the highly improbable nature of allegation in the light of the facts of the case and also the statement of witnesses recorded pursuant to the investigation, 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Amour P.S. Case No. 49 of 2024, subject to the condition 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)

Ashish/-

U		T	
---	--	---	--

