

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38437 of 2024

Arising Out of PS. Case No.-296 Year-2023 Thana- DUMARIAGHAT District- East
Champaran

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1. GAYA SAHANI S/O LATE MAINEJAR SAHANI R/O VILLAGE- SEMUAPUR, P.S- DUMARIYA GHAT, DISTT.- EAST CHAMPARAN.
 2. SIYA DEVI W/O GAYA SAHANI R/O VILLAGE- SEMUAPUR, P.S- DUMARIYA GHAT, DISTT.- EAST CHAMPARAN.
 3. SHYAMLAL KUMAR @ SHYAMLAL SAHANI S/O GAYA SAHANI R/O VILLAGE- SEMUAPUR, P.S- DUMARIYA GHAT, DISTT.- EAST CHAMPARAN.
 4. ANJALI KUMARI W/O SHYAMLAL KUMAR @ SHYAMLAL SAHANI R/O VILLAGE- SEMUAPUR, P.S- DUMARIYA GHAT, DISTT.- EAST CHAMPARAN.
 5. SUKESH SAHANI @ SUKESH KUMAR S/O GAYA SAHANI R/O VILLAGE- SEMUAPUR, P.S- DUMARIYA GHAT, DISTT.- EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aniket Singh
For the Opposite Party/s : Mr. Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 22-10-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Dumariya Ghat Police Station Case No. 296 of 2023, dated 15.11.2023, disclosing offences under Sections 304-B/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 14.11.2023, the informant received information



that his daughter, namely, Roshni Kumari, (deceased) has been killed. Thereafter, the informant went to the matrimonial house of his daughter, where he found that her family members, including the petitioners, killed her due to non-fulfillment of demand of dowry.

4. Learned Counsel for the petitioner submits that the petitioner no. 1 is the father-in-law, petitioner no. 2 is the mother-in-law, petitioner no. 3 is the elder brother-in-law (bhasur), petitioner no. 4 is the sister-in-law (gotni) and the petitioner no. 5 is the brother-in-law of the informant's daughter (now deceased). The petitioners have not committed any offence in the manner alleged. He next submits that on the date of occurrence, when the informant's daughter (deceased) did not come out, her room was broke open, where she was found hanging, which goes to show that she has committed suicide. He also submits that the petitioners were residing separately and have no concern with the death of deceased.
5. I have heard learned counsels for the parties and perused the materials available on record.
6. From perusal of the impugned order, it appears that within seven years of marriage the deceased has died an



unnatural death in her matrimonial home. The nature of the death is not important whether it is homicidal, suicidal or accidental, but the fact is that deceased has died an unnatural death within 07 years of her marriage. There is presumption against the accused persons under Section 113-A and 113-B of the Evidence Act, 1872. The petitioner nos. 1 and 2 are father-in-law and mother-in-law of the informant's daughter and there is allegation against them that they, alongwith others accused persons, demanded dowry from the deceased. Accordingly, I am not inclined to grant the petitioner nos. 1 and 2 the privilege of anticipatory bail.

7. This application in respect of petitioner nos. 1 and 2 is, accordingly, dismissed.
8. In so far as petitioner nos. 3, 4 and 5 are concerned, the allegation against them is general and omnibus in nature, accordingly, I am inclined to grant privilege of anticipatory to the petitioner nos. 3, 4 and 5.
9. The bail application in respect of petitioner nos. 3, 4 and 5 is, accordingly, allowed.
10. Let the petitioner nos. 3, 4 and 5, Shyamlal Kumar @ Shyamlal Sahani, Anjali Kumari, Sukesh Sahani @



Sukesh Kumar, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari, in connection with Dumariya Ghat Police Station Case No. 296 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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