

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39960 of 2024

Arising Out of PS. Case No.-67 Year-2024 Thana- BIBHUTIPUR District- Samastipur

1. Pramila Devi W/O Jagdish Sah R/O Village- Bibhutipur, P.S- Bibhutipur, Dist.- Samastipur.
2. Jagdish Sah S/O Late Baiju Sah R/O Village- Bibhutipur, P.S- Bibhutipur, Dist.- Samastipur.
3. Sonu Sah S/O Jagdish Sah R/O Village- Bibhutipur, P.S- Bibhutipur, Dist.- Samastipur.
4. Chandan Sah @ Chandan Kumar Sah S/O Jagdish Sah R/O Village- Bibhutipur, P.S- Bibhutipur, Dist.- Samastipur.
5. Rajkamal Sah S/O Jagdish Sah R/O Village- Bibhutipur, P.S- Bibhutipur, Dist.- Samastipur.
6. Rajkishor Sah S/O Jagdish Sah R/O Village- Bibhutipur, P.S- Bibhutipur, Dist.- Samastipur.
7. Rita Devi W/O Rajkamal Sah R/O Village- Bibhutipur, P.S- Bibhutipur, Dist.- Samastipur.
8. Arti Devi W/O Rajkishor Sah R/O Village- Bibhutipur, P.S- Bibhutipur, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar
For the Opposite Party/s : Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 09-09-2024 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 302 and 120(B) of the Indian Penal Code.
3. The learned counsel for the petitioners submits that



the petitioners are persons with clean antecedent and the informant alleges that his daughter was married to Arjun, about 8 years ago, further, after marriage his daughter was tortured for Rs. 1 lakh and a motorcycle. Further, Arjun, in connivance with his family members including the petitioners, took a loan of Rs. 2,50,000/- in the name of his daughter from different groups (Samuh) but instalments of the loan was not been paid, hence, they killed her daughter so that the loan gets waived.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case being related to Arjun. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the allegation of demand and torture is general and omnibus in nature. It is also submitted that the marriage of the deceased with Arjun was eight years old and in between eight years, no case ever came to be instituted either by the informant or the deceased regarding torture and demand of dowry.

5. It is next submitted that informant is not an eye witness to the occurrence and the entire allegation hinges around suspicion. It is further submitted that no efforts were made by the accused persons to disposed the dead body and they were not involved in the occurrence and as such the body



was sent for post-mortem and the Doctor opined that death was on account of asphyxia by strangulation. It is further submitted that it is not possible that all the accused persons, including the husband, would have been involved in strangulating the deceased. It is next submitted that husband of the deceased had approached this Court, seeking anticipatory bail by filing Cr. Misc. No. 42622 of 2024 but the same was permitted to be withdrawn by an order, dated 13.08.2024.

6. It is further submitted that Arjun i.e. the husband of the deceased, would surrender before the learned Trial Court. It is also submitted that during the course of investigation also it has come that Arjun was involved in the occurrence. It is next submitted that whenever any dispute arises in between the husband and the wife and occurrence of the nature as alleged takes place, the entire family members are implicated in a mechanical manner with general, omnibus and ornamental allegations.

7. The learned APP for the State opposes the anticipatory bail application and submits that in the event if the privilege of anticipatory bail application is granted to the petitioners in that event, the husband may not surrender on which the learned counsel appearing on behalf of the petitioners



submits that he has instructions to make submissions that husband of the deceased would surrender prior to the petitioners surrendering.

8. 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) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in connection with Bibhutipur Police Station Case No. 67 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. **The application stands allowed.**

(Satyavrat Verma, J.)

Sudhanshu/-

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