

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48529 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- BYPASS District- Patna

1. SHIV GURU YADAV @ SHIVJI GOPE SON OF MUNNA RAI
RESIDENT OF BAIRIYA KARNPUR, P.S.- GOPALPUR, DISTT.- PATNA
AND PERMANENT RESIDENT OF VILLAGE- PAIJAVA, P.S.- BY-
PASS, DISTT.- PATNA
2. SUNITA DEVI WIFE OF SHIV GURU YADAV @ SHIVJI GOPE
RESIDENT OF BAIRIYA KARNPUR, P.S.- GOPALPUR, DISTT.- PATNA
AND PERMANENT RESIDENT OF VILLAGE- PAIJAVA, P.S.- BY-
PASS, DISTT.- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar
For the Opposite Party/s : Mr. Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-07-2024 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 304(b)
and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent and have been
falsely implicated in the instant case by the informant. It is
next submitted that daughter of the informant got married to
Suraj son of the petitioners and after marriage, it is alleged



that the accused persons including the petitioners were torturing the deceased for demand of dowry, further on the occasion of *Chhath Puja*, an amount of Rs. 20,000/- was given to Suraj, but he asked for Rs. 40,000/-, but since the financial position of the informant was not sound, as such, she was not able to provide cash and fulfill other demands, it is next alleged that in the midnight of 31.12.2023 and 01.01.2024, the accused persons including the petitioners killed her daughter by strangulating her and when the informant came to know about the occurrence, she reached the place of occurrence and saw that the accused persons were ready to take the dead body for cremation.

4. The learned counsel for the petitioners submits that petitioners being in-laws of the deceased have been falsely implicated in the instant case by the informant. It is next submitted that had the petitioners been involved in the occurrence, then effort would have been made to conceal or dispose of the dead body, but the dead body was lying in the house and the informant was informed about the death of her daughter who had committed suicide. It is further submitted that some dispute had arisen in between the husband and the deceased on account of which she committed suicide, but then



whenever any occurrence of such nature takes place, the entire family members are implicated in a mechanical manner with general and omnibus allegation. It is next submitted that informant is not an eye witness to the occurrence and thrust of the allegation of demanding dowry is against the husband who is in custody. It is next submitted that petitioners will not abscond rather will co-operate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with By-Pass P.S. Case No. 01 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioners



despite giving assurance to this Court are not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioners.

8. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

9. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

Rishabh/-

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

