

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51054 of 2024

Arising Out of PS. Case No.-128 Year-2020 Thana- EKMA District- Saran

1. Bhikhari Manjhi Son of Late Jassi Manjhi Resident of Vill- Rampur Bindalal, P.S.- Ekma, District- Saran at Chapra.
2. Gulabi Devi Wife of Bhikhari Manjhi Resident of Vill- Rampur Bindalal, P.S.- Ekma, District- Saran at Chapra.
3. Subhawati Devi @ Subhanti Devi Wife of Bhikhari Manjhi Resident of Vill- Bharpura, P.S.- G.B. Nagar, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Ms. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 30-09-2024 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 341, 323, 504 and 498(A) of the Indian Penal Code as well as Sections 3 and 4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioners no. 2 and 3 are women.

4. The informant alleges that she was married in the year 2016 and after marriage two children were born, thereafter accused persons started demanding a motorcycle and



Rs.50,000/-. It is next alleged that the accused persons assaulted her on 18.03.2023 and ousted her from her matrimonial home.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is further submitted that allegation of demand of dowry and assault is general and omnibus in nature. It is next submitted that informant herself alleges that on 18.03.2020 she was assaulted and ousted from her matrimonial home. It is also submitted that after the informant was ousted from her matrimonial home she was admitted at PHC, Maharajganj on 19.03.2020 where her fardbeyan was recorded. It is further submitted that during the course of treatment, the informant died but then till date Section 302 of the Indian Penal Code has not been added in the FIR. It is next submitted that postmortem of the deceased was conducted and the Doctors have recorded that there was no sign of assault. It is also submitted that petitioners are father-in-law, mother-in-law and the married sister-in-law of the deceased. It is further submitted that whenever any dispute arises in between the husband and the wife, the entire family members are implicated in a mechanical manner with general, omnibus and ornamental allegation. It is next submitted that the postmortem report is dated 29.03.2020 which amply



demonstrates that informant died during the course of treatment on 29.03.2020. It is also submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence. It is submitted that yardstick for considering the anticipatory bail of the petitioners is different from the yardstick to be adopted with respect to the husband of the deceased.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners but then after perusal of the case diary submits that in the postmortem report, it has been recorded that no sign of assault was found.

7. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Ekma P.S. Case No. 128 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of



the learned trial court that petitioners despite giving assurance to this Court are not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

(Satyavrat Verma, J)

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