

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57833 of 2024

Arising Out of PS. Case No.-107 Year-2024 Thana- SONO District- Jamui

1. Sukesh Sah @ Sikesk Kumar Sah S/o Sidheswar Sah R/o vill - Sarewad, P.S. - Sono, Distt. - Jamui
2. Tuntun Kumar Sah @ Tuntun Kumar @ Tuntun Sah S/o Sidheswar Sah R/o vill - Sarewad, P.S. - Sono, Distt. - Jamui
3. Sujata Devi @ Sujata Kumari Devi W/o Sukesk Sah @ Sikesk Kumar Sah R/o vill - Sarewad, P.S. - Sono, Distt. - Jamui
4. Sidheswar Sah S/o Late Rohan Sah R/o vill - Sarewad, P.S. - Sono, Distt. - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Anand, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-09-2024 Heard the learned Advocate for the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Sono P.S. Case No. 107 of 2024, registered for the offences punishable under Sections 498A and 304(B) of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. The marriage of the daughter of the informant was solemnized with the son of the petitioner no. 4, three years ago. Soon after the marriage she was subjected to demand of dowry and on account of non fulfillment of the same, she was tortured



and lastly done to death at the hands of the accused petitioners.

4. Learned Advocate for the petitioners contended that the petitioner no. 1 and 2 are brother-in-laws of the informant's daughter, whereas, the petitioner no. 3 is the sister-in-law and petitioner no. 4 is father-in-law. It is contended that the petitioners have no concern with the family affairs of the deceased and her husband. In fact, the deceased was suffering from an ailment and on the alleged date of occurrence, she was taken to the hospital where her conditions deteriorated and thereafter, she was kept on ventilator but unfortunately she died whereupon, the present FIR has been instituted. The death of the deceased in the hospital where all the members of the accused's side were present suggest that their involvement is only based upon suspicion. Save and except the omnibus nature of allegation against all the family members of the husband's side, there is no other material. During the course of investigation, the involvement of the petitioners were not found true and some of the witnesses have stated that they were not found present in the matrimonial house at the time of the alleged occurrence, which also appears from the impugned order.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the



deceased was done to death within seven years of her marriage and soon before her death, there was demand of dowry and, as such, the presumption of dowry death cannot be ruled out.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners are brother-in-law, sister-in-law and father-in-law of the deceased, coupled with the fact that the deceased died in the hospital where her treatment was going on and the post-mortem report does not suggest any foul play, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Jamui in connection with Sono P.S. Case No. 107 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

shivank/-

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

