

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57845 of 2024

Arising Out of PS. Case No.-334 Year-2024 Thana- KAHALGAON District- Bhagalpur

1. Balbir Singh, son of Dharmendra Singh Village- Makaspur Ps- Kahalgaon Dist- Bhagalpur
2. Isha Devi, D/o- Dharmendra Singh Village- Makaspur Ps- Kahalgaon Dist- Bhagalpur
3. Resham Devi, wife of Balbir Singh Village- Makaspur Ps- Kahalgaon Dist- Bhagalpur
4. Dharmendra Singh, son of Late Badri Singh Village- Makaspur Ps- Kahalgaon Dist- Bhagalpur
5. Anjani Devi, wife of Dharmendra Singh Village- Makaspur Ps- Kahalgaon Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 20-08-2024 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Section 304(B)/34 of the Indian Penal Code.
3. The learned counsel for the petitioners submits that the petitioner nos.1 and 4 have antecedent of two cases and petitioner nos.2, 3 and 5 are persons with clean antecedent and the informant alleges that his daughter was married to Ranbir



Singh, second son of Dharmendra Singh on 28.11.2023. Further, two months after marriage, the accused persons including the petitioners started torturing her. Further, on 26.05.2024, he came to know that his daughter was killed by the accused persons by strangulating her.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case being elder brother in-law (Bhainsur), sister in-law (married Nanad), sister in-law (Gotini), father in-law and mother in-law of the deceased. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant is not an eye witness and does not allege that the deceased was being tortured for dowry. It is also submitted that whenever any dispute arises in between the husband and wife, an occurrence of the present nature takes place and the entire family members are implicated in a mechanical manner with general, omnibus and ornamental allegation. It is next submitted that even post mortem of the body was done, which amply demonstrates that had petitioners been involved in the occurrence, in that event, they would have made effort to dispose of the dead body to erase evidence, but then, that is not the case. It is also submitted that husband of the deceased is in jail. It is also submitted that



petitioners will not abscond rather will cooperate in the investigation.

5. Learned A.P.P. opposes the anticipatory bail application.

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 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) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon P. S. Case No.334 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioners, despite giving assurance to this Court, are not cooperating in the investigation or are not presenting themselves as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.



9. Let a copy of this order be sent to the concerned
Police Station through the learned trial Court.

(Satyavrat Verma, J)

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