

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58878 of 2024

Arising Out of PS. Case No.-73 Year-2024 Thana- Dehri Mufassil District- Rohtas

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1. Raj Kumar Sah S/o- Bishwanath Sah Resident of Village- Pahleja, P.S. Dehri Muffasil ,District- Rohtas
 2. Sadhna Devi wife of Raj Kumar Sah Resident of Village- Pahleja, P.S. Dehri Muffasil ,District- Rohtas
 3. Praveen Kumar son of Raj Kumar Sah Resident of Village- Pahleja, P.S. Dehri Muffasil ,District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Kant
For the Opposite Party/s : Ms.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 11-09-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor representing the State.
2. This application, for grant of anticipatory bail, arises out of Dehri (M) Police Station Case No. 73 of 2024, dated 10.05.2024, registered for the offences punishable under Sections 304-B/34 of the Indian Penal Code.
3. The prosecution case, as per the First Informant Report, is that on 09.05.2024, at about 09:45 PM, the informant's son, Deepak Kumar, received information from village Pahleja that the daughter of the informant had hanged herself in her matrimonial home. When the informant, along with her son and other villagers reached the



matrimonial home of her daughter, she saw her daughter died hanging in the fan hook. It has further been alleged that when the son of the informant went to meet the deceased on the same date at 12 O'clock, the in-laws of the deceased abused him and did not let him meet the deceased. It has also been alleged that soon after the marriage in the year 2021, the husband of the deceased, along with other family members, used to torture the deceased for dowry, due to which the deceased was in tension and committed suicide.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case with ulterior motive. He further submits that the petitioner nos. 1 and 2 are the father-in-law and mother-in-law of the deceased; whereas the petitioner no. 3 is the brother-in-law (devar) of the deceased and the husband of the deceased is already in custody.
5. On the other hand, learned Additional Public Prosecutor vehemently opposed the prayer for bail and submits that within three years of the marriage, the deceased was subjected to cruelty by her in-laws and others for demand of dowry.



6. I have heard learned counsel for the parties and have gone through the materials on record including the impugned order.
7. Within three years of the marriage, the informant's daughter died an unnatural death in her matrimonial home. The nature of death is not important whether it is natural, suicidal or accidental but the fact of the matter is that there is allegation of demand and torture against the petitioners, who are in-laws of the deceased. There is a presumption against the accused persons under Section 113(A) and 113(B) of the Evidence Act. The offence is serious in nature and the punishment thereof is also serious.
8. Accordingly, I am not inclined to grant anticipatory bail to the petitioner nos. 1 and 2.
9. This application, so far as petitioner nos. 1 and 2 are concerned, is dismissed.
10. However, considering the fact that the petitioner nos. 3 is the brother-in-law of the deceased, I am inclined to grant the petitioner privilege of anticipatory bail.
11. Let the petitioner no. 3, above named, in the event of their arrest or surrender before the Court below within a



period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Dehri, Rohtas, in connection with Dehri (M) Police Station Case No. 73 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

12. This application, so far as petitioner no. 3 is concerned, is allowed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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