

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66197 of 2023

Arising Out of PS. Case No.-859 Year-2022 Thana- NAUBATPUR District- Patna

1. Rohit Sao Son of Laxaman Sao R/o Nahar Masahari Chhoti Tangraila, P.S. - Naubatpur, Distt. - Patna
2. Magaru Sao Son of Laxaman Sao R/o Nahar Masahari Chhoti Tangraila, P.S. - Naubatpur, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs.Renu Jha, Advocate
For the State	:	Mr.Arun Kumar Pandey, APP
For the Informant	:	Mrs. Kumari Chandna, Advocate
		Ms. Alka Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 27-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Naubatpur P.S. Case No. 859 of 2022, registered on 27.12.2022 for the offences under Sections 304B/34 of the Indian Penal Code.

3. As per prosecution case, the daughter of the informant was married with co-accused Rahis Sao and petitioners are his brothers. The allegation against the petitioners and other co-accused persons is that of causing dowry death of the daughter of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in



this case. Learned counsel further submits that the daughter of the informant died a natural death due to illness. Suddenly bouts of pain and vomiting started in the night and she was treated by a local doctor and she died while under treatment. In the postmortem report no unnatural cause has been shown and opinion was kept reserved pending report of tissue for chemical analysis and histopathological examination. Learned counsel further submits that during investigation police recorded the fact that it was a natural death and there was no demand of dowry. The petitioners are brothers-in-law of the deceased and have no concern with the business of their co-accused brother. The petitioners are having no criminal antecedent.

5. Learned APP as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioners. Learned counsel for the informant submits that the marriage was solemnized in the year 2020 and within two years of marriage, the death has occurred and there is allegation of demand of dowry and threat extended on account of the demand.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering lack of materials showing any unnatural death and further



considering the possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Danapur, Patna/concerned court in connection with Naubatpur P.S. Case No. 859 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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