

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61676 of 2023

Arising Out of PS. Case No.-218 Year-2023 Thana- BIDUPUR District- Vaishali

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1. SANOJ RAM S/o- SHIV KUMAR RAM Village- Judawanpur Chakausan Ps- Bidupur Dist- VAishali
 2. MAMTA DEVI W/o- SANOJ RAM Village- Judawanpur Chakausan Ps- Bidupur Dist- VAishali
 3. SHIV KUMAR RAM S/o- LATE VASUDEV RAM Village- Judawanpur Chakausan Ps- Bidupur Dist- VAishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ravish Mishra
For the State	:	Mr.Murli Dhar
For the informant	:	Mr. Mritunjay Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 29-02-2024 1. Heard learned Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Bidupur Police Station Case No. 218 of 2023, dated 05.04.2023, disclosing offences punishable under Sections 304-B/201/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that the petitioners are the family members of husband of the deceased, who was allegedly done to death in her matrimonial home, due to non-fulfillment of the demand



of dowry.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case by the informant due to family dispute. The dead body of the deceased has not been recovered, the cause of death has also not been ascertained. The police investigated the entire case and has submitted charge sheet, not under Section 304-B of the Indian Penal Code, but under Section 364 read with Section 498-A/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act, which means that the daughter of the informant is still alive.
5. On the other hand, learned Counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that the petitioners are named in the First Information Report, there is allegation of killing of the daughter of the informant by her husband and his family members.
6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration that the police has submitted charge sheet under Section 364 read with Section 498-A/34 of the Indian Penal Code and Section



3/4 of the Dowry Prohibition Act, and the fact that the petitioners are the family members of the husband, who has been granted bail and the allegation is general and omnibus in nature, I am inclined to grant the petitioners privilege of anticipatory bail.

- 7. This application is, accordingly, allowed.
- 8. Let the petitioners, above named, in the event of his 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 Chief Judicial Magistrate, Vaishali, at Hajipur, in connection with Bidupur Police Station Case No. 218 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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