

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62437 of 2023

Arising Out of PS. Case No.-142 Year-2022 Thana- MUSAHARI District- Muzaffarpur

1. Vinod Sahani (male), aged about- 48 years, Son Of Raghunandan Sahani
 2. Gula Devi (female), aged about 46 years, Wife Of Binod Sahani
 3. Dharmendra Sahani (male), aged about 22 years, Son Of Binod Sahani
- All resident Of village- Chhoti Kothiya, P.S.- Mushahari, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 29-02-2024 Heard Mr. Santosh Kumar, learned counsel
appearing on behalf of the petitioners and Ms. Pushpa Sinha,
learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Mushahari P.S. Case No. 142 of 2022 dated 28.05.2022, registered for the offence punishable under Sections 304(B)/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, for non fulfillment of dowry, the petitioners along with entire family members, who are named accused in the FIR, had committed



murder of the daughter of the informant, who was married with co-accused Jitendra Sahani.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioner no.1 is father-in-law, petitioner no.2 is mother-in-law and petitioner no. 3 is the brother-in-law of the deceased. Learned counsel further submitted that they are not concerned in any manner with the strained matrimonial relationship between the husband and wife, which, later on, led to commission of suicide by the daughter of the informant. Learned counsel further submitted that so far as petitioner no. 3 is concerned, at the time of alleged incidence, he was residing in Delhi for earning of livelihood, however, no evidence in this regard, has been furnished along with the bail application. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, considering the fact that petitioner no. 3 has claimed himself to be not present on the date of alleged incidence, I am of the opinion that petitioner no. 3 has, *prima facie*, made out a case to be released on pre-arrest



bail.

7. The petitioner no. 3, above named, (Dharmendra Sahani), is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Muzaffarpur, in connection with Mushahari P.S. Case No. 142 of 2022 dated 28.05.2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner no. 3 as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner no. 3 as what has been stated in paragraph no. 3, this order will lose its force automatically.

9. So far as petitioners no. 1 and 2 are concerned, who are father-in-law and mother-in-law of the deceased, I am not inclined to grant anticipatory bail at this stage. However, they may surrender before the District Court and seek regular bail.

10. The District Court is directed to pass order in case, the petitioners no. 1 and 2 file their regular bail application on the same day, on the basis of material collected in course of investigation and the allegation made in the FIR.



11. Accordingly, the present bail application is disposed of.

(Purnendu Singh, J)

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