

IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.67868 of 2024

Arising Out of PS. Case No.-277 Year-2024 Thana- MOTIHARI MUFASIL District- East Champaran

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1. Umesh Sah S/O Late Ramdutta Sah Resident of Village- Chandrahiya, P.S- Muffasil, District- East Champaran ,Motihari
  2. Ranjeet Sah S/O Umesh Sah Resident of Village- Chandrahiya, P.S- Muffasil, District- East Champaran ,Motihari
  3. Sandeep Kumar @ Sandeep Sah S/O Umesh Sah Resident of Village- Chandrahiya, P.S- Muffasil, District- East Champaran ,Motihari
  4. Rubi Kumari W/O Ranjeet Kumar Resident of Village- Chandrahiya, P.S- Muffasil, District- East Champaran ,Motihari
  5. Rita Devi W/O Umesh Sah Resident of Village- Chandrahiya, P.S- Muffasil, District- East Champaran ,Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Uma Shanker Verma<br>Ms.Kumari Anjali |
| For the State        | : | Mr.Dr. Ajeet Kumar                        |
| For the informant    | : | Mr. Gopal Govind Mishra                   |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

- 2      24-10-2024      1. Heard learned Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor representing the State.
2. This application, for grant of anticipatory bail, arises out of Mufassil Police Station Case No. 277 of 2024, dated 123.06.2024, registered for the offences punishable under Sections 302/304-B/120-B/201/34 of the Indian Penal Code.
3. The prosecution case, as per the First Informant Report, is that the marriage of the informant's daughter (now,



deceased) and co-accused Pradeep Kumar was solemnized on 13.12.2023 and soon hereafter, the accused persons started demanding one bullet motorcycle by way of dowry and due to non-fulfillment of the said demand, they used to torture the deceased. On 11.06.2024, at about 06 PM, one Chandan Sah informed the informant that the accused persons have killed the deceased and disposed her dead body.

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 petitioners are separate in mess and property and they have got no concern with the day to day life of the deceased and/or her husband. He further submits that the deceased was suffering from diarrhea and was admitted in Nilkanth Hospital. He next submits that the petitioner nos. 1 and 5 are the father-in-law and mother-in-law of the deceased; whereas the petitioner nos. 2 and 3 are the brothers-in-law and petitioner no. 4 is the sister-in-law (gotni) of the deceased.
5. On the other hand, learned Additional Public Prosecutor and the informant vehemently opposed the prayer for bail



and submit that within six months of the marriage, the deceased was killed by her in-laws and the petitioners for demand of dowry. The statement in the First Information Report discloses that the deceased was admitted in private hospital, where petitioner no. 3, Sandeep Kumar, was working.

6. I have heard learned counsel for the parties and have gone through the materials on record including the impugned order.
7. Within six months of the marriage, the informant's daughter died an unnatural death in her matrimonial home. In close proximity of time, there is demand of dowry, torture and death of the informant's daughter. The nature of death is not important whether it is natural, suicidal or accidental but the fact of the matter is that deceased died an unnatural death in her matrimonial home. There is a presumption against the accused persons under Sections 113-A and 113-B of the Evidence Act. The offence is serious in nature and the punishment thereof is also serious. The father-in-law and mother-in-law are responsible members of the family and there is specific allegation against them.



8. Accordingly, I am not inclined to grant anticipatory bail to the petitioner nos. 1 and 5.
9. This application, so far as petitioner nos. 1 and 5 are concerned, is dismissed.
10. However, considering the fact that the petitioner nos. 2 3 and 4 are the brothers-in-law and sister-in-law (gotni) of the deceased, I am inclined to grant the petitioner nos. 2, 3 and 4 privilege of anticipatory bail.
- 11.This application, so far as petitioner nos. 2, 3 and 4 are concerned, is allowed.
12. Let the petitioner nos. 2, 3 and 4, 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 bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, in connection with Mufassil Police Station Case No. 277 of 2024, 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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