

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67993 of 2024

Arising Out of PS. Case No.-424 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

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Ramdhari Sahani S/o Late Doma Sahani R/o Village- Agarwa Chiknighat,
ward no. 38, P.S-Motihari Town ,District -East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sutri Devi D/o Paras Sahani R/o Vill - Dhekha, P.S. - Keseriya, Distt. - East
Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Session Trial No. 304 of 2024 arising out of Motihari Town P.S. Case No. 424 of 2023, registered on 15.06.2023, for the offences under Sections 498(A), 364 and 34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

03. As per prosecution case, the daughter of the informant was married with co-accused Shiv Sahani. Allegation against the petitioner, who is father of the co-accused Shiv Sahani, is that he along with other co-accused used to demand motorcycle and chain in dowry and used to torture the daughter of the



informant. On non-fulfillment of their demand, they killed the daughter of the informant.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. This is not a case of dowry death. No dead body has been recovered and it has come during investigation that the daughter of the informant ran away with some person and the present case has been lodged merely on suspicion. There is general and non-specific allegation against the petitioner who has been living separately from the co-accused husband of the deceased. Learned counsel further submits that the matter has been compromised between the parties and appropriate applications have been moved before the learned trial court and the informant admitted in the compromise petition that she filed the present case under misconception. Learned counsel further submits that similarly placed co-accused persons have been granted anticipatory bail by this Court vide order dated 08.05.2024 passed in Criminal Misc. No. 16811 of 2024. The petitioner is in custody since 17.06.2023 and he has got no criminal antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned A.P.P. submits there is specific allegation against the petitioner and other co-accused persons for causing dowry death of the daughter of the informant.



06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the lack of substantive material against the petitioner to support the allegation against them and further considering the possibility of false accusation, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XXII, East Champaran, Motihair/concerned court in connection with Session Trial No. 304 of 2024 arising out of Motihari Town P.S. Case No. 424 of 2023, subject to the condition 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 petitioner.
- (ii) The petitioner 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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