

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69209 of 2024

Arising Out of PS. Case No.-156 Year-2023 Thana- MAHESHKHUNT District- Khagaria

1. Raj Kumar Sharma @ Raj Kumar Son of Late Ganauri Sharma At present resident of Village and P.O.- Pakrail Bindtoli, P.S.-Maheshkunt, District-Khagaria
2. Raushan Kumar Son of Late Ganauri Sharma At present resident of Village and P.O.- Pakrail Bindtoli, P.S.-Maheshkunt, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avinash Chandra, Adv.
For the Opposite Party/s : Mr. Rabindra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-10-2024 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 304(B), 34 of the Indian Penal Code.

3. All the F.I.R. named accused persons including these petitioners, on non-fulfillment of demand of dowry, in furtherance of the common intention are said to have committed murder of the sister of the informant.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged has ever taken place.



They have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. Petitioners are husband and brother-in-law of the deceased, respectively. There is no evidence to show that the deceased was subjected to cruelty soon before her death except the statement of the informant. Learned counsel further submits that in course of investigation, it came to light that prior to the alleged occurrence, the deceased had taken attempt to suicide, but did not succeed in the same. It is further submitted that two named accused of the present case, namely, Birbal Kumar and Rajani Kumari are minors. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against petitioner no.2, let the above named petitioner no.2, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six 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 the learned lower Court where the case is pending/successor Court in



connection with Maheshkhunt P.S. Case No. 156 of 2023,
subject to the condition as laid down under Section 438 (2) of
the Cr.P.C.

7. However, petitioner no.1 is husband of the deceased, I
am not inclined to enlarge him on anticipatory bail. The prayer
for anticipatory bail of the petitioner no.1 is hereby rejected.

8. Accordingly, the application stands partly allowed.

(Anjani Kumar Sharan, J)

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