

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67771 of 2024

Arising Out of PS. Case No.-723 Year-2022 Thana- SIWAN MUFFASIL District- Siwan

Sonu Puri Son of Shambhu Puri R/o Village- Math Bauliya, Ahirouli Baghel,
P.S.- Bankata, District- Deoria (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Asgher Najmi

For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-09-2024

1. Heard the parties.

2. The petitioner apprehends their arrest in connection with Siwan Muffasil P.S. Case No. 723 of 2022 dated 06-12-2022 registered under Section 498(A)/304(B)/34 of the I.P.C.

3. As per the complaint, which has been converted into an FIR, the complainant has said that accused nos. 2 to 6 have killed the complainant's daughter due to non-fulfillment of the demand of dowry and the husband of the deceased resides outside. The accused nos. 2 to 6 in the complaint have been granted bail by this Court in Cr. Misc. No. 50866 of 2023.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. Petitioner is the husband of the deceased and since marriage, there were no allegation against him of torturing the deceased.



He next submits that petitioner was not present at the place of occurrence as he resides outside. He next submits that from the FIR itself, it appears that allegation of killing the deceased is against accused nos. 2 to 6 and not against the petitioner. The accused persons and other family members immediately informed the Deoria Police about the death of the deceased and G.D. Case No. 036 dated 30.07.2022 was registered by the Deoria Police as a case of unnatural death. Learned counsel further submits that after the G.D. case was registered post mortem examination was held in which the cause of death is shock and coma due to ante mortem head injury. After lapse of some time a complaint has been filed by the mother of the deceased at Siwan on 04.08.2022 which has been converted into FIR bearing Siwan Muffasil P.S. Case No. 723 of 2022 under Section 156(3) on 06.12.2022. During course of investigation Police has recorded the statement of the witness ie. Pradhan of the concerned village, who in his statement has said that deceased had fallen after slip and received head injury. No family member was present at the time the injury caused to the deceased. He further submits that paragraph- 23 of the case diary shows that G.D. case was lodged due to unnatural death of the deceased. The allegation against the petitioner is general and



omnibus in nature. He further submits that similarly situated co-accused have been granted anticipatory bail by this Court *vide* order dated 08.11.2023 in Cr. Misc. No. 50866 of 2023.

5. Regard being had to the submission made by the parties, taking into consideration the fact that there is no specific allegation against the petitioner, family member of the petitioner informed the local police on the date of death of the deceased, a G.D. Case was registered and co-accused persons have been granted anticipatory bail by this court, I am inclined to grant anticipatory bail to the petitioners.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Siwan in connection with Siwan Muffasil P.S. Case No. 723 of 2022 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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