

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72588 of 2023

Arising Out of PS. Case No.-140 Year-2023 Thana- RAJEPUR District- East Champaran

1. Satyendra Sah @ Satyendra Kumar @ Satyander Kumar Son of Yogendra Sah R/o vill-Rajepur, Madhuaha Brit, P.s. - Rajepur, Distt. - East Champaran, Motihari.
2. Dinesh Sah @ Dinesh Kumar Son of Yogendra Sah R/o vill - Rajepur, Madhuaha Brit, P.s. - Rajepur, Distt. - East Champaran, Motihari
3. Rani Devi W/o Yogendra Sah R/o vill - Rajepur, Madhuaha Brit, P.S. - Rajepur, Distt. - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Adv.

For the Opposite Party/s : Mr.Jai Narain Thakur APP
Mr. Devendra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 29-02-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Rajepur P.S. Case No. 140 of 2023 dated 18-06-2023, instituted for the offence punishable under Sections 304B and 328/34 of the Indian Penal Code.

3. The informant has alleged killing of his sister at the matrimonial home on account of non-fulfillment of the dowry demand by the named accused persons, including the petitioners by administering her poison. The same is preceded by allegations of torture and assault by all the in-laws. Marriage



is said to have taken place 12 years prior to the alleged occurrence dated 17-06-2023.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. It is submitted that petitioner no.1 is the husband of the deceased, petitioner no.2 is the '*Devar*' of the deceased whereas petitioner no.3 is the mother-in-law of the deceased. It is further submitted that only on the basis of suspicion petitioners have been implicated in this case. It is next submitted that the deceased died due to snake bite during course of her treatment in the S.K.M.C.H. Muzaffapur. It has further been submitted that Section 304 B of the IPC does not attract against the petitioners because the marriage of the victim was solemnized 12 years before her death. Petitioners are stated to be man of clean antecedents.

5. Learned counsel for the informant and learned A.P.P. for the State have opposed the prayer for bail of the petitioners.

6. Earlier, this Court had called for the case diary, postmortem report and FSL report of the deceased, which have been received. On perusal of the FSL report, prepared by the Assistant Director, Regional Forensic Science Laboratory,



Muzaffarpur, Govt. of Bihar on 09-11-2023, which reveals that Aluminium phosphide was detected in the contents of the glass jar and Aluminium phosphide is commercially known as 'CELPHOS' contrary to the postmortem report, which is annexed as Annexure- P/2 to the bail petition. However, the FSL report supported the case of prosecution.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner nos. 2 and 3, namely, Dinesh Sah @ Dinesh Kumar and Rani Devi respectively, who are '*Devar*' and mother-in-law of the deceased, within a period of six weeks from today, in connection with Rajepur P.S. Case No. 140 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, East Champaran, Motihari, or appropriate Court below, subject to condition as laid down under Section 438(2) of the Cr.P.C.

8. So far as prayer for anticipatory of the petitioner No.1,viz., Satyendra Sah @ Satyendra Kumar @ Satyander Kumar is concerned, who is husband of the deceased, cannot escape of his liability. He owes prime responsibility towards



safety and dignity of his wife. Therefore, this Court is of the opinion, that no case for grant of anticipatory bail is made out on behalf of petitioner no.1.

9. Prayer for pre -arrest bail on behalf of petitioner No.1 is rejected.

(Khatim Reza, J)

shyambihari/-

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