

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78682 of 2023

Arising Out of PS. Case No.-271 Year-2023 Thana- SARAIYA District- Muzaffarpur

1. Bir Narayan Shaw @ Munna Shaw Son Of Late Laljee Shaw Resident Of Village - Mahmadpur, P.S. - Saraiya, District - Muzaffarpur And At Present Residing At House No. 8/2/114, Maa Apartment, Arvinda Sarani, East Kamalpur, P.S. - Damdam, District - North 24, Pergana Kolkata, Pin-700028 (W.B.)
2. Chinta Devi Wife Of Bir Narayan Shaw Resident Of Village - Mahmadpur, P.S. - Saraiya, District - Muzaffarpur And At Present Residing At House No. 8/2/114, Maa Apartment, Arvinda Sarani, East Kamalpur, P.S. - Damdam, District - North 24, Pergana Kolkata, Pin-700028 (W.B.)
3. Chandan Shaw Son Of Bir Narayan Shaw Resident Of Village - Mahmadpur, P.S. - Saraiya, District - Muzaffarpur And At Present Residing At House No. 8/2/114, Maa Apartment, Arvinda Sarani, East Kamalpur, P.S. - Damdam, District - North 24, Pergana Kolkata, Pin-700028 (W.B.)
4. Nibha Devi Wife Of Chandan Shaw Resident Of Village - Mahmadpur, P.S. - Saraiya, District - Muzaffarpur And At Present Residing At House No. 8/2/114, Maa Apartment, Arvinda Sarani, East Kamalpur, P.S. - Damdam, District - North 24, Pergana Kolkata, Pin-700028 (W.B.)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Juli Kumari Wife Of Late Pankaj Shaw Residing At Village - Mahmadpur, Moti Chowk, P.S. - Saraiya, District - Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv.
For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 09-08-2024 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

2. The petitioners apprehend arrest in connection

with Saraiya P.S. Case No. 271 of 2023 dated 10.05.2023,

instituted for the offence punishable under Sections 498(A),



306, 504, 506/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

3. The allegation against the petitioners is that they being complicit in abetting the suicide of the informant's husband and committing torture to meet dowry demand. It is further alleged that after the death of the informant's husband, the named accused persons always used to torture her.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that the informant is widow of the deceased. The deceased is son of petitioner nos. 1 and 2 and brother of petitioner no. 3. It is submitted that in fact, the husband of the informant committed suicide being fed up with the act and conduct of the informant herself and at the time of death of her husband, she was all along with the family at Kolkata. It is submitted that petitioner nos. 1 and 3 were not present at his residence at Kolkata and they had gone to Nagaland and after receiving information about the commission of suicide, they immediately took Air Ticket for Kolkata and reached



Kolkata and participated in funeral of the deceased and by that time the informant was alone there but she never complained anything contrary against all the petitioners. It is submitted that the relationship between the deceased son of the petitioner nos. 1 and 2 and the informant was not cordial. The deceased committed suicide by way of hanging himself from ceiling fan. Lastly, it has been submitted that they have no criminal antecedent.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. On the other hand, learned counsel for the informant vehemently opposed the prayer for bail and submitted that due to torture by the accused persons, the husband of the informant committed suicide and after death of his husband, they also used to torture the informant.

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 petitioners within a period of six weeks from today, in connection with Saraiya P.S. Case No. 271 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 S.D.J.M, West Muzaffarpur, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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