

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77857 of 2024

Arising Out of PS. Case No.-127 Year-2024 Thana- JOGBANI District- Araria

-
1. Sukhanu Shah S/O Late Boukal Sah Resident Of Village- Ramganj Fakirana, Ward No- 8, P.S- Jogbani, Dist- Araria,Bihar
 2. Chaniya Devi W/o - Sukhanu Shah Resident of village Ramganj Fakirana, Ward no. 8, Police Station Jogbani, District - Araria, Bihar.
 3. Anil Sah S/O Sukhanu Shah Resident of village Ramganj Fakirana, Ward no. 8, Police Station Jogbani, District - Araria, Bihar.
 4. Suman W/O Anil Sah Resident of village Ramganj Fakirana, Ward no. 8, Police Station Jogbani, District - Araria, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Parvati devi W/o Satya Narayan Resident of Kauan Phokhar, Ward no. 12, village Panchayat - Masrak, Police Station - Sikti, District - Araria, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Majid Mahboob Khan
For the Opposite Party/s : Mr. Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 25-11-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Jogbani Police Station Case No. 127 of 2024, dated 24.06.2024, disclosing offences under Sections 304-B of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that the informant solemnized the marriage of her daughter with co-accused Sunil Sah in the year 2022.



After marriage the petitioners, alongwith other co-accused persons, started demanding dowry and due to which she was tortured and harassed mentally and physically. Finally, due to non-fulfillment of the demand, the daughter of the informant has been killed on 23.06.2024.

4. Learned counsel for the petitioners submits that the petitioner no. 1 is father-in-law, petitioner no. 2 is the mother-in-law of the deceased, petitioner no. 3 is brother-in-law and petitioner no. 4 is sister-in-law of the deceased. He next submits that the petitioners have not committed any offence in the manner alleged and they have falsely been implicated in the present case merely because they happen to be the in-laws of the deceased and due to local village politics. He further submits that the deceased died due to falling on the floor.
5. I have heard learned counsels for the parties and perused the materials available on record.
6. From perusal of the impugned order, it appears that within two years of marriage the deceased has died in her matrimonial home. The nature of the death is not important whether it is homicidal, suicidal or accidental,



but the fact is that deceased has died an unnatural death within 02 years of her marriage. There is presumption against the accused persons under Section 113-A and 113-B of the Evidence Act, 1872. The petitioner no. 1 is father-in-law and petitioner no. 2 is mother-in-law of the deceased and there is allegation against them that they , alongwith others, demanded dowry from the deceased. Accordingly, I am not inclined to grant the petitioner nos. 1 and 2 the privilege of anticipatory bail.

7. The bail application in respect of the petitioner nos. 1 and 2 is rejected.

8. In so far as the petitioner nos. 3 and 4 are concerned, they are brother-in-law and sister-in-law of the deceased and the allegation against them is general and omnibus in nature, accordingly, I am inclined to grant privilege of anticipatory to the petitioner nos. 3 and 4.

9. The bail application in respect of petitioner nos. 3 and 4 is, accordingly, allowed.

10. Let the petitioner nos. 3 and 4, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Jogbani Police Station Case No. 127 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

ashwani/-

U		T	
---	--	---	--

