

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81351 of 2024

Arising Out of PS. Case No.-71 Year-2024 Thana- MAHARAJGANJ District- Siwan

1. Rang Lal Sah Son of Pokhraj Sah Resident of Village - Tewatha, P.S. - Maharajganj, District - Siwan.
2. Subhash Sah @ Subas Sah son of Rang Lal Sah Resident of Village - Tewatha, P.S. - Maharajganj, District - Siwan.
3. Manju Devi Wife of Rang Lal Sah Resident of Village - Tewatha, P.S. - Maharajganj, District - Siwan.
4. Vikash Kumar Son of Rang Lal Sah Resident of Village - Tewatha, P.S. - Maharajganj, District - Siwan.
5. Chandan Sah @ Chandan Kumar son of Rang Lal Sah Resident of Village - Tewatha, P.S. - Maharajganj, District - Siwan.
6. Rupa Kumari Daughter of Rameshwar Sah Resident of Village - Tewatha, P.S. - Maharajganj, District - Siwan.
7. Shradha @ Shobha Kumari @ Shardha Kumari Daughter of Rameshwar Sah Resident of Village - Tewatha, P.S. - Maharajganj, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 11-12-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor representing the State.
2. This application, for grant of anticipatory bail, arises out of Maharajganj Police Station Case No. 71 of 2024, dated 10.03.2023, registered for the offences punishable under Sections 304-B/201/120-B/34 of the Indian Penal Code.
3. The prosecution case, as per the First Informant Report, is



that the marriage of daughter of the informant (now, deceased) was solemnized with petitioner no. 2 on 11.06.2023 and soon thereafter, the petitioners demanded a bullet motorcycle by way of dowry and due to non-fulfillment of the said demand, they killed the deceased and also cremated her dead body without informing the informant.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case with ulterior motive. He further submits that the deceased committed suicide in her matrimonial home and at that time, no one was present in the house. He further submits that the petitioner nos. 1 and 3 are the father-in-law and mother-in-law of the deceased, petitioner no. 2 is the husband; whereas the petitioner nos. 4 to 7 are the brothers-in-law and married nanad of the deceased.
5. On the other hand, learned Additional Public Prosecutor vehemently opposed the prayer for bail and submits that within nine months of the marriage, the deceased was killed by the petitioners for demand of dowry.
6. I have heard learned counsel for the parties and have gone



through the materials on record including the impugned order.

7. Within nine months of the marriage, the informant's daughter died an unnatural death in her matrimonial home. The nature of death is not important whether it is natural, suicidal or accidental but the fact of the matter is that deceased died an unnatural death within nine months of her marriage. There is a presumption against the accused persons under Section 113(A) and 113(B) of the Evidence Act. The offence is serious in nature and the punishment thereof is also serious.
8. Accordingly, I am not inclined to grant anticipatory bail to the petitioner nos. 1 to 3.
9. This application, so far as petitioner nos. 1 to 3 are concerned, is dismissed.
10. However, considering the fact that the petitioner nos. 4 to 7 are the brothers-in-law and married nanad of the deceased, I am inclined to grant the petitioner nos. 4 to 7 privilege of anticipatory bail.
11. Let the petitioner nos. 4 to 7, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on



furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Siwan, in connection with Maharajganj Police Station Case No. 71 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

12. This application, so far as petitioner nos. 4 to 7 are concerned, is allowed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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