

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3479 of 2024

Arising Out of PS. Case No.-282 Year-2023 Thana- WARISNAGAR District- Samastipur

1. Mithilesh Sahu @ Mithilesh Sah, S/O Batahu Sah, resident of village-Ratanpur, PS. Warisnagar, Dist. Samastipur.
2. Neelam Devi @ Neelam Kumari, W/o Mithilesh Sah, resident of village-Ratanpur, PS. Warisnagar, Dist. Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Singh, Advocate
For the State	:	Mr.Bishweshwar Ram, APP
For the Informant	:	Mr. Mukesh Kumar Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the informant.

2. In the present case, the petitioners are apprehending their arrest in connection with Warisnagar P.S. Case No. 282 of 2023 registered for the alleged offences under Sections 304(B)/201 of the Indian Penal Code.

3. As per the prosecution case, dowry death of the daughter of the informant was committed by the petitioners and other co-accused persons and the dead body was thrown near the railway track.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in



this case. The petitioner no.1 is the elder brother of the husband of the deceased and the petitioner no.2 is the wife of the petitioner no.1. There is general and omnibus allegation of demand of dowry against all the family members. The petitioners are separate in mess and business from their father and brother and, as such, question of demand of dowry and torture against the petitioner is absolutely false and baseless. The petitioner no.1 had been working in Gujarat for his livelihood and recently, for last 5-6 months, he has started working with some railway contractor. The learned counsel further submits that the railway authorities gave information to the police that a lady came under a running train and sustained injuries. At that point of time, the victim was alive and she was taken to hospital for treatment. However, on way to hospital, she died. On the alleged date of occurrence, the victim was not present at her matrimonial home, rather she was residing in her parental home and due to some family dispute, she committed suicide. In fact, the informant and her entire family including the deceased were persons of criminal antecedent and they were made accused in Warisnagar P.S. Case No.351/2022 for the offence under Section 392 IPC. The petitioners have got no criminal antecedent.



5. Learned APP as well as learned counsel appearing on behalf of the informant oppose the submissions made on behalf of the petitioners. The learned counsel for the informant submits that there is serious allegation against the petitioners that they caused dowry death of the daughter of the informant along with other accused persons. Since the investigation is still going on, the petitioners do not deserve anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the general and vague nature of allegation against the petitioners without any substantive material against them and further considering the relationship of the petitioners with the deceased and also considering the possibility of false implication, the petitioners, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur, in connection with Warisnagar P.S. Case No. 282 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of



the petitioners.

(ii) The petitioners will remain present on each
and every date fixed by the court below, if so
required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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