

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10072 of 2024

Arising Out of PS. Case No.-138 Year-2023 Thana- BARURAJ District- Muzaffarpur

1. Samudri Devi @ Samundari Devi Wife of Chanar Bhagat resident of Village Lakhan Sen, P.S. Baruraj, District Muzaffarpur.
2. Mitthu Kumar @ Santosh Kumar, Son of Ram Nath Bhagat resident of Village Lakhansen, P.S. Baruraj, District Muzaffarpur.
3. Ramnath Bhagat @ Ram Nath Bhagat Son of Dev Nandan Bhagat resident of Village Lakhansen, P.S. Baruraj, District Muzaffarpur.
4. Nitu Kumari @ Nitu Daughter of Ram Nath Bhagat resident of Village Lakhansen, P.S. Baruraj, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shashi Bhushaan Bhagat son of Ramchandra Bhagat, resident of Village Sahmalwa, P.S. Baruraj, District Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binodanand Mishra, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

8 04-10-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Baruraj P.S. Case No. 138 of 2023 registered for the offences punishable under Sections 304/34 of the Indian Penal Code.

3. Prosecution case, in short, is the petitioners along with other members of the family tortured and killed the deceased for non-fulfillment of demand for dowry.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. Petitioner No.1 is the mother-in-law, petitioner No.2 is the devar, petitioner No.3 is devar and petitioner No.4 is sister-in-law of the deceased, respectively. There is no specific allegation against these petitioners, rather allegation is general and omnibus. There is delay of four days in lodging of the FIR. Learned counsel next submits that husband of the deceased is in custody.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. It is submitted that during course of investigation, prosecution witnesses have supported the prosecution case. It is next submitted that in the postmortem report, cause of death is shown as asphyxia due to hanging.

6. Considering the rival submissions made by the learned counsel for the parties and taking into account the fact that investigation is still pending against these petitioners, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, prayer for grant of anticipatory bail to the petitioners are *rejected*.



7. However, if the petitioners surrender before the court below within a period of four weeks from today and pray for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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