

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9617 of 2025

Arising Out of PS. Case No.-273 Year-2024 Thana- KESARIA District- East Champaran

1. Gopal Sah S/O Late Ganni Sah Resident of village - Kesariya Purani Bajar, Ward no.- 11, P.S- Kesariya, District - East Champaran
2. Sunita Devi W/O Gopal Sah Resident of village - Kesariya Purani Bajar, Ward no.- 11, P.S- Kesariya, District - East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Abhishek Kumar, Advocate
For the Opposite Party/s	:	Mr.Anuj Kumar Shrivastava, APP
For the Informant	:	Mr.Kundan Rathore @ Kundan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 11-09-2025 Heard learned counsel appearing on behalf of the

petitioners, learned counsel for the informant and learned

A.P.P. for the State.

2. Petitioners seek bail in connection with Kesaria

P.S. Case No. 273 of 2024 registered for the offences under

Sections 80(2), 3(5) of the Bhartiya Nyay Sanhita, 2023 (in

short, the 'B.N.S.') and 3 & 4 of the Dowry Prohibition Act.

3. The petitioners are named in the First Information

Report and are in custody since 22.11.2024.

4. Allegation against the petitioners is to cause death

of married daughter of the informant alongwith other

accused/family members due to non-fulfillment of demand of



dowry as raised for cash of Rs. One Lakh and one Bullet Motorcycle. Petitioners are in-laws of the deceased.

5. It is submitted by learned counsel appearing for the petitioners that thrust of allegation *qua* raising demand for dowry of Rs. One Lakhs and one Bullet Motorcycle is against the husband of deceased, where implication of petitioners only appears being parents. It is submitted that husband is already in judicial custody. In this context, it is further submitted that petitioners being in-laws are living separately with the deceased and her husband and have no connection with their daily and domestic affairs.

6. While concluding argument, it is submitted that investigation of this case is already completed, charge-sheet has been submitted and as such, there is no chance of tampering with the evidence and, moreover, petitioners are men of clean antecedent.

7. Learned A.P.P. for the State duly assisted by Mr. Kundan Rathore, learned counsel for the informant, while opposing the prayer for bail of the petitioners, submitted that the occurrence took place inside the matrimonial home of the



deceased. It is pointed out that nothing surfaced during investigation which may suggest that petitioners are living separately.

8. Let it be so, in view of aforesaid factual submission and by taking note of the fact as petitioners are in-laws of the deceased, where thrust of allegation *prima facie* appears available against the husband, coupled with the fact that investigation of this case is already completed, where petitioners are in custody since 22.11.2024, accordingly, above-named petitioners are directed to be released on bail in connection with Kesaria P.S. Case No. 273 of 2024 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Motihari, East Champaran/concerned court, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short "B.N.S.S.") and further condition:

(I) That petitioners shall not made any attempt to delay trial, failing so, the State/informant shall be at liberty to move before the Trial Court itself



for the cancellation of bail bond of the petitioners, which shall be decided by trial court itself after giving opportunity of hearing to the petitioners.

(ii) Accused/Petitioners shall physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioners duly supported by the documents.

(Chandra Shekhar Jha, J)

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