

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24636 of 2025

Arising Out of PS. Case No.-17 Year-2012 Thana- GOGRI District- Khagaria

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1. Thakur Prabha Devi @ Prabha Devi Wife of Hari Ballabh Thakur R/O- Village- Haramji Tola, P.S.- Gogari (Maheshkhunt), District- Khagaria.
 2. Hari Ballabh Thakur Son of Bhola Thakur R/O- Village- Haramji Tola, P.S.- Gogari (Maheshkhunt), District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Janardhan Shukla son of Late Vishwanath Shukla R/O- Village- Misrauli, Ps- Kataiya, Dist- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Singh, Sr. Advocate.
		Mr. Manish Kumar Singh, Advocate.
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP.
For O.P. No.2	:	Mr. Jai Kishor Poddar, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 13-08-2025 Heard Mr. Rajesh Kumar Singh, learned senior counsel along with Mr. Manish Kumar Singh, learned counsel appearing on behalf of the petitioners; Mr. Bharat Bhushan, learned APP for the State and Mr. Jai Kishor Poddar, learned counsel for the O.P. No.2.

2. The petitioners seek pre-arrest bail in connection with Gogari P.S. Case No. 17 of 2012 registered for the offence punishable under Sections 304B/34 of the Indian Penal Code.

3. Allegation is of commission of murder of the daughter of the informant due to non-fulfillment of demand of



dowry.

4. Learned counsel appearing on behalf of the petitioners submitted that no time before the alleged commission of murder of the daughter of the informant, any complaint was made before any authority or court of law regarding subjecting the deceased to torture due to non-fulfillment of demand of dowry. Learned counsel further submits that F.I.R. was lodged on 03.02.2012 and final form was submitted on 31.12.2012 in favour of the petitioner and differing with the same, the learned Magistrate took cognizance on 24.09.2013. Record reveals that no process were issued under Sections 82 and 83 Cr.P.C., as such, there was no question of being apprehended and soon after the knowledge of the case, petitioners have moved before this Court for enlarging them on pre-arrest bail. Petitioners are old aged persons having clean antecedent. He further submits that there is every likelihood of the acquittal of the petitioners in course of the trial.

5. Mr. Jai Kishor Poddar, learned counsel tendered his appearance on behalf of the informant and submitted that petitioners with a common intention along with their son committed murder of the daughter of the informant for non-fulfillment of demand of dowry. They are influential persons



and have managed to get not arrested. The nature of allegation alleged against them relates to serious crime, which calls for rejection of the bail application of the petitioners.

6. Learned APP for the State too supported the argument advance on behalf of the Informant and submitted that the learned District Court may verify from the records, as to whether, there has been any deliberate inaction on the part of the petitioners who have acted against the due process of law.

7. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the F.I.R., it appears that no time before the alleged commission of murder of the daughter of the informant, any complaint was made regarding the demand of dowry, F.I.R. was lodged on 03.02.2012 and final form was submitted on 31.12.2012 in favour of the petitioner and differing with the same, the learned Magistrate took cognizance on 24.09.2013, record reveals that no processes were issued under Sections 82 and 83 Cr.P.C., as such, there was no question of apprehension of arrest and there is every likelihood that in course of trial, the petitioners can be acquitted in want of any material surfaced. I find that the petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.



8. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gogari, Khagaria in connection with Gogari P.S. Case No. 17 of 2012, subject to the condition as laid down under Section 438(2) Cr.P.C / 482(2) BNSS.

9. The District Court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

10. The bail application stands disposed of.

(Purnendu Singh, J)

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