

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42843 of 2025

Arising Out of PS. Case No.-310 Year-2014 Thana- CHANPATIA District- West Champaran

1. Sharma Sah, S/o Radha Sah, R/o Durga Nagar, P.S.- Chanpatiya, Distt.- West Champaran
2. Chandan Sah, S/o Radha Sah, R/o Durga Nagar, P.S.- Chanpatiya, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 14-07-2025 Heard Mr. Bimlesh Kumar Pandey, learned counsel
for the petitioners and Ms. Rina Sinha, learned APP for the
State.

2. Petitioners seek regular bail in connection with
Chanpatiya P.S. Case No. 310 of 2014 dated 22.10.2014
registered for the offences punishable under sections 498A,
304B and 201 read with section 34 of the Indian Penal Code.

3. The main submissions advanced by petitioners'
counsel are that though the instant matter relates to dowry death
and disappearance of the evidence but the petitioners had no
concern with the alleged occurrence and they are full brothers of
the husband of the deceased and after the investigation, the



police submitted final form with the conclusion of the FIR having been lodged on account of mistake of fact and the petitioners were not sent up by the police for trial but the learned Magistrate took cognizance of the alleged offences and the petitioners were summoned and the said order's copy has been filed as Annexure-2 along with the police final report and the same shows that the learned Magistrate did not apply his judicial mind while taking cognizance and the order of cognizance clearly shows non-application of judicial mind as only some blank columns were filled in mechanical manner without specifying the materials being against the petitioner in the case diary. It is further submitted that in fact the deceased died on account of her ailment and after taking the cognizance the learned Magistrate, as per the order impugned, initially issued summons for getting appearance of the accused including the petitioners but without receiving the service report of those summons, issued other processes but the petitioner had no knowledge of those processes and finally they were arrested.

4. Learned APP for the State has opposed the prayer of the petitioner.

5. Considering the aforesaid submissions advanced by petitioners' counsel, this Court is inclined to release the



petitioners on bail. Accordingly, let the petitioners named-above
be released on bail on furnishing bail bond of Rs.20,000/-
(Rupees Twenty Thousand) each with two sureties of the like
amount each to the satisfaction of the court concerned in
connection with Chanpatiya P.S. Case No. 310 of 2014.

(Shailendra Singh, J)

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