

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43688 of 2025

Arising Out of PS. Case No.-23 Year-2025 Thana- BATHWARIA District- West Champaran

1. Khusi Devi @ Chanda Devi W/o Hareram Sah R/o vill - Bangala Tola, P.s.- Bathwariya, Dist.- West Champaran
2. Hareram Sah @ Saheb Sah S/o Lalan Sah R/o vill - Bangala Tola, P.s.- Bathwariya, Dist.- West Champaran
3. Jairam Sah S/o Lalan Sah R/o vill - Bangala Tola, P.s.- Bathwariya, Dist.- West Champaran
4. Anita Devi @ Sabita Devi W/o Jairam Sah R/o vill - Bangala Tola, P.s.- Bathwariya, Dist.- West Champaran
5. Munni Devi @ Chhaiya Devi @ Chhathi Devi W/o Lalan Sah R/o vill - Bangala Tola, P.s.- Bathwariya, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shahbaj Alam, Adv.
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 04-09-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seeks bail in anticipation of their arrest in a case registered for the offences punishable under Sections 80 and 3(5) of the B.N.S.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that his daughter was married to Ajay on 02.12.2024, after marriage his daughter conceived thereafter all



the accused persons including the petitioners started demanding Rs. 2 laksh by way of dowry, further when informant went to meet his daughter the accused persons demanded a dowry amount on which he showed his inability, it is next alleged that all the accused persons on 28.03.2025 in the evening assaulted his daughter and strangled her to death, the informant in the morning came to know about the occurrence accordingly he reached the place of occurrence where he saw that the accused persons were preparing the body for cremation, accordingly the police was informed and the dead body was taken to the hospital. The learned counsel submits that petitioners have been falsely implicated in the instant case by the informant, it is next submitted that the informant is not an eye witness to the occurrence. It is also submitted no doubt the death of the victim occurred within seven years of marriage as such in law presumption is against the husband of the deceased and his family members but then all deaths are not dowry deaths, it is also submitted that of late it has become a trend that whenever an occurrence of the nature as alleged takes place all family members are implicated in a mechanical manner in general and omnibus allegation, it is also submitted that though informant in the FIR alleges that on coming to know about the occurrence he



went to the place of occurrence and saw that the accused persons were taking the dead body for cremation when the police was informed and the dead body was taken to the hospital, it is submitted that the said allegation has been alleged only with a view to give seriousness to the case. It is next submitted that the victim committed suicide. It is also submitted that petitioners were aware that in the event if the dead body is cremated, in that event they will have to suffer as cause of death could not be ascertained, as such, no effort was made by the petitioners to dispose of the dead body with a view to conceal evidence. It is next submitted that as per the allegations as alleged in the FIR the informant alleges that the occurrence was committed in the evening of 28.03.2025 as such if the accused persons were involved in that event efforts would have been made to dispose of the dead body with a view to conceal evidence on 28.03.2025 itself. It is also submitted that whenever any occurrence of such nature as alleged takes place on account of dispute in between husband and wife the entire family members are implicated with general and omnibus allegations. It is also submitted that petitioners are sisters-in-law, brothers-in-laws and mother-in-law of the deceased. It is next submitted that petitioners will not abscond rather will cooperate in the



investigation to prove their innocence.

4. Learned A.P.P. opposes the anticipatory bail application.

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-II, Bagaha, West Champaran in connection with Bathwariya P. S. Case No. 23 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

6. The application stands allowed.

(Satyavrat Verma, J)

Siddharth Soni/-

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