

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48038 of 2025

Arising Out of PS. Case No.-561 Year-2019 Thana- COMPLAINT CASE - BIKRAMGANJ
District- Rohtas

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1. Radhika Devi W/o Badri Prasad Sah @ Badri Prasad R/o Village-Kochas, P.S-Kochas, District-Rohtas
 2. Badri Prasad Sah @ Badri Prasad S/o Jamuna Sah R/o Village-Kochas, P.S-Kochas, District-Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jai Prakash Singh, Advocate
For the Complainant	:	Mr. Narendra Kumar, Advocate
For the State	:	Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-08-2025 Heard Mr. Jai Prakash Singh, learned counsel for the petitioners, Mr. Narendra Kumar, learned counsel for the Complainant and Mr. Parmanand Prasad, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 561 of 2019, dated 23.10.2019 registered for the offences punishable under Sections 498(A) of the Indian Penal Code and Section 3/4 of the Dowry Act but the learned Court below in mechanical manner has taken cognizance under Section 304(B) of the Indian Penal Code on the ground that the complainant has died during the pendency of the complaint petition but it is the fact that she is



died in the parental house.

3. Allegation against the petitioners is of demand of dowry and torture for the same.

4. It appears from the S.A of the father and mother of the complainant that the complainant is living in her parents house since 10.09.2018 and she has died on 03.07.2020 and the present complaint petition has been filed on 23.10.2019.

5. Learned counsel for the petitioners submit that before filing of the present complaint petition, son of the petitioners has already filed an informatory petition bearing no. 283 of 2019 on 26.03.2019 in the court of learned Chief Judicial Magistrate, Sasaram, Rohtas stating therein about the conduct of the complainant/now deceased. Learned counsel for the petitioners submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioners have not committed any offence as alleged in the complaint petition. It is admitted fact that she is living in her parents house since 10.09.2018 and she has died after two years but the learned Court below in mechanical manner has taken cognizance under Section 304(B) of the Indian Penal Code against the petitioners on 29.08.2022.

6. Learned counsel for the Complainant as well as



learned APP for the State has opposed the prayer for anticipatory bail of the petitioners and submits that due to interaction of the petitioners, the complainant has died during the pendency of the complaint petition.

7. Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. I, Bikram, Rohtas in connection with Complaint Case No. 561 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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