

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71014 of 2025

Arising Out of PS. Case No.-565 Year-2025 Thana- SAHARSA SADAR District- Saharsa

1. Ram Kumar Thakur Son of Late Laxmi Thakur R/O Village - Amarpur, P.S.- Sonvarsha Kachahari, District - Saharsa.
2. Chanda Devi Wife of Ram Kumar Thakur R/O Village - Amarpur, P.S.- Sonvarsha Kachahari, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-11-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 80, 238 and 3(5) of the Bharatiya Nyaya Sanhita.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and Petitioner No. 1 is aged about 75 years and petitioner No. 2 is aged about 65 years. It is next submitted that the informant alleges that her daughter was married to Mithlesh in April 2024, further on 15-5-2025 the father-in-law of the victim (petitioner No. 1) called and informed that victim received electric current, thus are



taking her to the hospital, on query with regard to the name of the hospital, the same was not disclosed, thereafter informant tried to call other family members of the victim's husband, but their mobile phone was switched off, further alleges that on the next day, when grand-father of the victim reached the place of occurrence, he was informed by the villagers that the victim has been killed by the accused persons and endeavors were made to cremate her, further the accused persons for dowry used to torture the victim, as was disclosed by the victim earlier.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that no doubt the death of the victim took place within seven years of marriage, but then all deaths are not dowry death. It is further submitted that from the FIR itself it is clear that the petitioner No. 1 called and informed the informant about the occurrence, but then it is submitted that the message given was that the victim suffered burn injury but the informant for reasons best known alleges that petitioner No. 1 informed that victim has received electric current. It is also submitted that allegation of dowry no doubt is alleged in the FIR, but then what was being demanded has not been disclosed which also casts an aspersion regarding allegation of demand of



dowry. It is submitted that what is not in dispute rather stands admitted is that victim was taken to the hospital where she died and her post-mortem was conducted, which recorded cause of death as burn and its complications. It is thus submitted that had the petitioners been involved in the occurrence in that event efforts would have been made to dispose of the dead body with a view to conceal the evidence, but then the victim was taken to hospital where her post-mortem was conducted and reason for death was recorded. It is reiterated and submitted that had the petitioners been involved in the occurrence, then they would never have wanted the post-mortem to be carried out as the reason for death would be ascertained. It is next submitted that petitioners are senior citizen with clean antecedent and they came to be implicated in the instant case based on allegation that since demand of dowry was not met, hence the victim was killed. It is further submitted that the FIR though records that grand-father of the victim was informed by the villagers that the accused persons killed her and tried to cremate the dead body but then the name of the villagers is not disclosed in the FIR nor the body was cremated rather the victim was taken to the hospital for treatment. It is submitted that husband is in custody. It is also submitted that whenever any dispute arises in between



the husband and the wife and occurrence of the nature as alleged takes place, the entire family members are implicated in a mechanical manner with general and omnibus allegation. It is next submitted that informant is not an eye-witness to the occurrence nor the FIR even remotely discloses that what was being demanded in dowry. It is further submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Saharsa (Sadar) P.S. Case No. 565 of 2025, subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the



learned trial court bringing to its notice that the petitioners, despite giving assurance to this Court, are not cooperating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

8. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

(Satyavrat Verma, J)

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