

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82461 of 2024

Arising Out of PS. Case No.-279 Year-2022 Thana- MANJHAGARH District- Gopalganj

1. Sanjay Ram Son of Faudar Ram Resident of Village - Ram Nagar, P.O. and P.S. - Manjhagarh, District - Gopalganj
2. Kamlesh Ram Son of Faudar Ram Resident of Village - Ram Nagar, P.O. and P.S. - Manjhagarh, District - Gopalganj
3. Bali Ram Son of Faudar Ram Resident of Village - Ram Nagar, P.O. and P.S. - Manjhagarh, District - Gopalganj
4. Uma Shanker Ram @ Ramshanker Ram Son of Faudar Ram Resident of Village - Ram Nagar, P.O. and P.S. - Manjhagarh, District - Gopalganj
5. Vijay Ram Son of Faudar Ram Resident of Village - Ram Nagar, P.O. and P.S. - Manjhagarh, District - Gopalganj
6. Seeta Devi Wife of Faudar Ram Resident of Village - Ram Nagar, P.O. and P.S. - Manjhagarh, District - Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramdeo Ram Son of Kari Ram Resident of Village - Khawaja Tola, P.S. - Jadopur, District - Gopalganj, Hal Mokam B/o -Ramdeo Ram, Village - Khawajepur, P.S. - Yadopur, District - Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sushil Kumar
For the State	:	Mr. Ram Priya Sharan Singh

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

7 14-08-2025 Heard learned counsel for the petitioners and learned APP for the State. No one appears on behalf of the opposite party no. 2 despite issuance of notice.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 406, 498A, 304(B)/34 of the Indian Penal Code.

3. Allegation in the first information report based on a complaint filed by the opposite party no. 2 is with regard to



causing the death of the sister of the complainant/informant on account of non-fulfillment of dowry.

4. Learned counsel for the petitioner submits that the opening line of the complaint itself shows that the marriage of the deceased took place 10 years back and there were three children out of the wedlock. This fact itself would negate the applicability of Section 304-B of the IPC and hence, there would be no presumption clause attracted in the present case. It has also been submitted that the present complaint was also filed after inordinate delay inasmuch as, the date of occurrence is 24.05.2021 whereas the present complaint under Section 156 (3) of the Cr.P.C. was filed on 22.09.2021 whereafter the FIR was lodged on 14.09.2022. This demonstrates that the present case has been lodged after due thought and deliberation. The petitioners are the in-laws of the deceased and there is general and omnibus allegation in the complaint. The materials collected during the course of investigation also indicate that the deceased had died due to corona and this is precisely the reason why no postmortem was also held.

5. Considering the facts and circumstances including the fact that the petitioners are all in-laws of the deceased with general and omnibus allegations and also considering the



inordinate delay caused in filing of the present FIR, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Manjha Garh P.S. Case No. 279 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S.

(Soni Shrivastava, J)

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