

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83303 of 2024

Arising Out of PS. Case No.-103 Year-2024 Thana- KONCH District- Gaya

1. Anita Devi, age about 26 years, Female, Wife of Subbu Kumar @ Subba Kumar @ Subbalal Yadav, Resident of village- Dhibari, P.S- Konch, Distt.- Gaya
2. Subba Kumar @ Subbalal Yadav @ Subbu Kumar, age about 30 years, Male, Son of Jagadish Yadav, Resident of village- Dhibari, P.S- Konch, Distt.- Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Dewanand Tiwari, Advocate
For the Opposite Party : Mr. Jharkhandi Upadhyay, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 24-03-2025 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Konch P.S. Case No. 103 of 2024 dated 04.03.2024 registered for the offences punishable under Sections 304B and 120B of the I.P.C.

3. As per the prosecution case, the petitioners and the co-accused persons are alleged to have committed murder of the informant's sister due to non-fulfilment of demand of dowry.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is submitted that neither the petitioners



tortured the deceased nor they demanded any dowry from the parents of the deceased. There is general and omnibus allegation against the petitioners. The postmortem of the deceased has been conducted and the doctor has opined the cause of death is Asphyxia due to throttling as stated in paragraph no. 2 of the supplementary affidavit filed on behalf of the petitioners. It is submitted that the petitioners are the wife and the husband. The petitioner no. 1 is the sister-in-law (Gotani) and the petitioner no. 2 is the brother-in-law (Bhaisur) of the deceased. They are separate in mess and property from the husband of the deceased. They have no concern with the alleged offence. It is further submitted that as a matter of fact, the deceased was found in suspicious position with the co-villager, Arman Ansari, and this matter has been communicated to the villagers and due to this reason, the deceased has lost her patience and ultimately she has committed suicide in her house where only one room was there, hence, the petitioners and other family members of the deceased have been implicated in the present case. It is further submitted that the other co-accused persons, Ajit Kumar @ Ajit Yadav and Rajesh Kumar @ Rajesh Yadav have already been granted anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 5011 of 2025 under order dated 13.02.2025.



The petitioners have clean antecedent as stated in paragraph no. 3 of the bail petition. They are in custody in this case since 06.08.2024.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioners. Learned counsel for the informant has further submitted that the petitioners alongwith other co-accused persons have committed murder of the deceased. He refers paragraph no. 41 of the case diary in which it has been mentioned that the deceased was not murdered due to demand of dowry as her marriage took place 10 years ago. The main reason behind the occurrence is that the deceased was caught with one Arman Ansari in her house, hence, it cannot be denied that the co-accused Ajit Yadav, Subbalal Yadav (petitioner no. 2), Rajesh Yadav and Anita Devi (petitioner no. 1) have committed murder of the deceased because they are present in the house at the time of occurrence.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners, above named, are directed to be enlarged 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



learned District and Sessions Judge-Xth, Gaya in connection
with Konch P.S. Case No. 103 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

U		T	
---	--	---	--

