

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86035 of 2024

Arising Out of PS. Case No.-221 Year-2024 Thana- BANJARIA District- East Champaran

1. Bhikhari Sah, aged about 60 years (M), S/O Durga Sah, R/O Village-Budhwa, P.S- Banjariya, Distt.- East Champaran, Motihari.
2. Birbahadur Sah, aged about 62 years (M), S/O Shivbalak Sah, R/O Village-Budhwa, P.S- Banjariya, Distt.- East Champaran, Motihari.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party : Mr. Shahabuddin Azeem @ S. Azeem, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 09-01-2025 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners seek bail in connection with Banjariya P.S. Case No. 221 of 2024 dated 23.08.2024 registered for the offences punishable under Sections 80, 238, 3(5) and 61(2) of B.N.S., 2023.

3. As per the prosecution case, the accused persons Deepak Sah, Chandrika Sah, Suraj Sah and Chanchal Devi are alleged to have committed murder of the informant's daughter due to non-fulfilment of demand of dowry and on 23.08.2024 at about 9.30 A.M. they cremated her dead body in which the petitioners and other accused persons have actively participated.



4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. There is no specific allegation against the petitioners rather the same is against Deepak Sah who was said to be the husband of the deceased. The petitioners are the villagers and they have no concern with the family affair of the co-accused Deepak Sah. There is general and omnibus allegation against the petitioners. The real fact is that the deceased died due to diarrhoea. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application. The petitioners are in custody since 24.08.2024.

5. Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M. East Champaran, Motihari in connection with Banjariya P.S. Case No. 221 of 2024.

7. The application stands allowed.

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(Chandra Prakash Singh, J)

