

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89316 of 2024

Arising Out of PS. Case No.-166 Year-2024 Thana- SAHPUR District- Patna

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1. Hari Rai, Son of Late Sundar Rai, R/o Village -Sikandarpur Bandh Police Station -Shahpur District -Patna.
 2. Sundar Patiya Devi, Wife of Hari Rai, R/o Village -Sikandarpur Bandh Police Station -Shahpur District -Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunit Kumar Srivastava, Adv.
Mr. Sudhanshu Trivedi, Adv.
For the Opposite Party/s : Mr. Mritunjay Kr. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-01-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Shahpur P.S. Case No. 166 of 2024 registered for the offences punishable under Sections 498A, 328 and 302/34 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that the marriage of the daughter of the informant was solemnized with the son of the petitioners twelve years ago. Soon after the marriage, there was a demand of dowry and on account of non-fulfillment of the same, she was subjected to torture and lastly she was done to death by administering poison



on 01.05.2024. It is further alleged that the deceased was taken to Kusum Hospital, Saguna More and from there she was referred to Indira Hospital, where she died due to poisoning.

4. Learned counsel for the petitioners referring to the FIR, primarily contended that admittedly the marriage was solemnized twelve years ago and, as such, any demand of dowry at this belated stage does not inspire any confidence. The petitioners before this Court are parents-in-law and there is omnibus nature of allegation against all the family members. The deceased in course of time had blessed with three children and, in fact, all of them were living happily. On the fateful day, on account of consumption of some spurious medicine, her health was deteriorated and thereafter she was taken to the hospital where she died during treatment. Having come to know about the entire facts from the children of the deceased, the informant has also filed a petition before the jurisdictional court regarding no complicity of the petitioners and others in the crime in question. Moreover, prior to the alleged date of occurrence, the petitioners had been residing in Kolkata; and they bear fair antecedent.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that be



that as it may, the case is not compoundable and there is specific allegation against the petitioners.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the fact that the children of the deceased have disclosed regarding the non participation of the petitioners in the crime in question, leading to filing of a petition by the informant before the jurisdictional court; moreover, the petitioners have been residing in Kolkata prior to the alleged occurrence. The petitioners are parents-in-law having fair antecedent, 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/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Danapur in connection with Shahpur P.S. Case No. 166 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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