IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63997 of 2026

CNR No. BRHC010887812026

Arising Out of PS. Case No.-177 Year-2026 Thana- BIRPUR District- Supaul

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1. Bishundeo Kharga Son of Late Raghubir Kharga Resident of Hridaynagar, Ward No. 03, P.S.- Birpur, District- Supaul.
2. Budhani Devi Wife of Bishundeo Kharga Resident of Hridaynagar, Ward No. 03, P.S.- Birpur, District- Supaul.
3. Mithun Kharga @ Mithun Kumar Son of Bishundeo Kharga Resident of Hridaynagar, Ward No. 03, P.S.- Birpur, District- Supaul.
4. Pinki Devi Wife of Mithun Kharga @ Mithun Kumar Resident of Hridaynagar, Ward No. 03, P.S.- Birpur, District- Supaul.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Shailendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Abhay Kumar,APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

4 28-10-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State and learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 103(1), 80, 61(2) and 3(5) of the Bharatiya Nyaya Sanhita.

3. The Investigating Officer of the case in compliance of the order dated 30.09.2026 is present in the Court.

4. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant

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alleges that his sister was married to Sujit in the year 2021, further three years after marriage, Sujit and his family members started demanding dowry of Rs. 10,00,000/- but his father decline the demand, hence was threatened by the accused persons including Pankaj that victim would be killed, next alleges that his sister informed that Sujit was in a relationship with his bhabhi, hence frequent fight used to take place between them and Sujit used to threaten that she will be killed, further on 28.04.2026 at 11:00 AM he was informed that his sister was killed, hence came to the place of occurrence and saw the dead body of his sister lying, accordingly police was informed and dead body was sent for postmortem and after cremation, FIR was instituted.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case being father-in-law, mother-in-law, brother-in-law and sister-in-law (gotni) of the deceased, it is next submitted that informant is not an eye witness to the occurrence, it is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that his sister was married to Sujit in the year 20201 and three years after marriage, Sujit along with his family members including the petitioners started demanding of

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Rs. 10,00,000/- by way of dowry and on account of non-fulfillment of the demand, the victim was tortured, it is also submitted that informant has also alleged that victim had disclosed that Sujit was having an affair with his bhabhi (petitioner No.4), as such, there was frequent fight in between the victim and Sujit. It is next submitted that petitioner no. 3 is husband of petitioner No. 4. It is also submitted that the said allegation has been alleged only with an intent to defame the family, it is also submitted that no doubt the victim died within seven years of marriage and presumption in law is against the husband and his family members, but then all deaths are not dowry deaths. It is also submitted that allegation of demand of dowry and torture is general and omnibus in nature, it is next submitted that whenever any dispute arises in between the husband and the wife and the 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 also 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 an intent to conceal evidence, but then the dead body was sent for postmortem for ascertaining the cause of death and the doctor has opined the cause of the death

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as asphyxia on account of hanging which points towards suicide.

6. On query of the Court from the Investigating Officer of the case that as to what material transpired connecting the petitioners with the offence on which it is submitted that some witnesses have supported the case of the prosecution.

7. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioners, but then learned counsel appearing on behalf of the informant is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that demand of dowry and torture is general and omnibus in nature and if the petitioners would have been involved in the occurrence, then efforts would have been made to dispose of the dead body with an intent to conceal the evidence, but the dead body was sent for postmortem for ascertaining the cause of death. It is also submitted that if privilege of anticipatory bail is granted, the petitioners may abscond on which learned counsel appearing on behalf of the petitioners submits that if privilege of anticipatory bail is granted, the petitioners will not abscond rather will co-operate in the investigation to prove their innocence.

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8. After hearing the learned counsel for the parties and taking into consideration the fact that learned counsel appearing on behalf of the petitioners, the petitioners above-named, in the event of their arrest or surrender 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 Birpur P.S. Case No. 177 of 2026 subject to the conditions as laid down under Section 482 (2) of the BNSS.

9. The personal appearance of the Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

Nitesh/-

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