IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76567 of 2026

CNR No. BRHC011101862026
Arising Out of PS. Case No.-412 Year-2023 Thana- CHHATAUNI District- East Champaran

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1. Sudama Sah S/o Hiralal Sah R/o Village- Badabariyarpur, P.S.- Chhatauni, Distt.- East Champaran
2. Hira Lal Sah S/o Late Janak Sah R/o Village- Badabariyarpur, P.S.- Chhatauni, Distt.- East Champaran
3. Maina Devi W/o Hira Lal Sah R/o Village- Badabariyarpur, P.S.- Chhatauni, Distt.- East Champaran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr.Narsingh Tanti,APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 05-11-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302, 120(B) and 34 of the IPC.

3. Learned counsel appearing on behalf of the petitioners submits that the petitioners are persons with clean antecedent and the petitioner No. 3 is a woman. Learned counsel for the petitioners next submits that process under Section 82 of the Cr.P.C. has been issued against the petitioners on 21.07.2026. It is further submitted if that persuade the Court not to grant the privilege of anticipatory bail to the petitioners in that event the same would amount to travesty of justice. It is next submitted that the informant alleges that his daughter was

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killed by the accused persons including the petitioners on account of non-fulfillment of dowry demand. It is further submitted that the FIR was instituted in the year 2023 and the police after investigation submitted final form exonerating the petitioners of the allegation as alleged in the FIR, accordingly Final Form No. 508 of 2023 dated 31.12.2023 was submitted, but then the learned Trial Court differing with the police report took cognizance by an order dated 09.02.2024. It is submitted that petitioners never received any summons or bailable warrants and when non-bailable warrant of arrest was issued perhaps thereafter police started knocking the doors of the petitioners, hence the petitioners moved before the learned Trial Court seeking anticipatory bail. It is next submitted that when one investigating agency based on threadbare investigation came to a considered conclusion that petitioners are innocent, whether it would be prudent for the Court to send the petitioners to jail based on an order of cognizance which came to be taken based on the same police report exonerating the petitioners of the allegation. It is asserted and submitted that petitioners were completely unaware that cognizance has been taken by the learned Magistrate differing with the police report or else the petitioners would have availed their remedy in time. It is further

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submitted that similarly situated co-accused Priyanka Devi, Laxman Kumar and Pravinda Devi had approached this Court seeking anticipatory bail by filing Criminal Misc. No. 450513 of 2025, Criminal Misc. No. 39897 of 2025 and Criminal Misc. No. 40307 of 2025 and the same came to be allowed by an order dated 23.07.2025 passed by the learned Co-Ordinate Bench.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

5. After hearing learned counsel for the parties and taking into consideration the submission made by the larned counsel appearing on behalf of the petitioners, 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 Chhatauni P.S. Case No. 412 of 2023 subject to the conditions as laid down under Section 482 (2) of the BNSS.

(Satyavrat Verma, J)

Nitesh/-

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