

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.37701 of 2020**

Arising Out of PS. Case No.-330 Year-2020 Thana- SIWAN MUFFASIL District- Siwan

---

---

1. Ramnath Sah, aged about 55 years (M), S/o Late Bachan Sah
2. Gandhari Devi, aged about 50 years (F), W/o Ramnath Sah
3. Tuntun Sah, aged about 35 years (M), S/o Ramnath Sah
4. Niraj Kumari @ Miji Kumari, aged about 18 years (F), D/o Ramnath Sah

All R/o Village- Jhunapur Dakshin Tola, P.S.- Mahadeva O.P., District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

---

---

**Appearance :**

For the Petitioner/s	:	Mr. Abdul Mannan Khan, Advocate
For the State	:	Ms. Veena Kumari Jaiswal, APP
For the Informant	:	Mr. Harendra Prasad, Advocate

---

---

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH  
ORAL JUDGMENT**

**Date : 17-09-2021**

The matter has been heard *via* video conferencing.

2. Heard Mr. Abdul Mannan Khan, learned counsel for the petitioners; Ms. Veena Kumari Jaiswal, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Harendra Prasad, learned counsel for the informant.

3. The petitioners apprehend arrest in connection with Siwan Muffasil (Mahadeva OP) PS Case No. 330 of 2020 dated 16.07.2020, instituted under Sections 304(B)/120(B)/34 of the Indian Penal Code.



4. The allegation against the petitioners, who are father-in-law, mother-in-law, elder brother of the husband and sister, respectively, of the husband of the deceased, is of killing her due to non-fulfillment of demand of dowry.

5. Learned counsel for the petitioners submitted that the allegations made in the FIR are totally false as never during three years of marriage, there was any complaint made before any authority relating to any demand or maltreatment, much less, assault. Learned counsel submitted that the deceased had committed suicide and, thus, in the post-mortem, the doctor has only found mark of rope around the neck and has opined that the death was on account of “asphyxia due to hanging and looks like suicidal”, as has been recorded in the order of the learned In-charge 3<sup>rd</sup> Additional Sessions Judge, Siwan dated 21.09.2020 in Anticipatory Bail Petition No. 1490 of 2020, by which the prayer for anticipatory bail of the petitioners had been rejected. Learned counsel submitted that there being no other mark found on the body fortifies the argument that it is a case of suicide. Learned counsel submitted that the cause of suicide is also not known to the petitioners as it was a personal issue between the deceased and her husband, who is already in custody. Learned counsel submitted that the informant has also



compromised the matter and an affidavit to this effect has been filed before the Court below in which it has been stated that there was neither any demand earlier for dowry nor was she killed by the accused. It was submitted that the petitioners also do not have any other criminal antecedent.

6. Learned APP submitted that there is allegation of demand of dowry and also of killing of the deceased by the petitioners.

7. Learned counsel for the informant submitted that it was a case of murder and the petitioners also had a role. However, on a specific query of the Court as to how he had been instructed by the informant to oppose the present application in the face of him having filed compromise before the Court below, learned counsel submitted that he had not been instructed by the informant in this regard.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that there are indications to the effect that the petitioners, who are in-laws of the deceased, may not be responsible for such death, more so in view of the finding in the post-mortem where it has been opined that the death was due to asphyxia by hanging and it appeared to be a case of suicide and



also that an affidavit by the informant has been filed before the Court below compromising the matter and stating that the petitioners have not committed any offence as also the petitioners not having any other criminal antecedent, the Court is inclined to allow the prayer for pre-arrest bail.

9. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in Siwan Muffasil (Mahadeva O.P.) PS Case No. 330 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioners, and (ii) that the petitioners shall cooperate with the Court and the police/prosecution. Failure to cooperate shall lead to cancellation of their bail bonds.

10. It shall also be open for the prosecution to bring any violation of the foregoing conditions by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.



11. The petition stands disposed of in the  
aforementioned terms.

**(Ahsanuddin Amanullah, J)**

Anjani/-

AFR/NAFR	
U	
T	

