

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14978 of 2015

Arising Out of PS.Case No. -416 Year- 2014 Thana -SONEPUR District- SARAN

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1. Most. Dewanti Kunwar @ Dewanti Devi W/o Late Supan Rai
 2. Santosh Rai @ Santosh Kumar S/o - Late Supan Rai
- Both are residents of village - Nazarmira, P.S. - Sonpur, Distt. - Saran.
3. Chinta Devi W/o - Sri Yogendra Rai R/v - Nasariganj, P.S. - Danapur, Distt. - Patna.
 4. Renu Devi W/o - Sri Dharmendra Rai R/v - Sherpur, P.S. - Maner, Distt. - Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Vijay Kumar Sinha
For the Opposite Party/s : Mr. Dinesh Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 21-05-2015 Heard both sides.

The petitioners, four in number, apprehend their arrest in a case under Section 304B, 201 and 34 of the Indian Penal Code.

The father of the deceased Chanda Devi made allegation that his daughter was married to Mukesh Rai in 2007 but the accused persons were torturing her. She gave birth to three children. Chanda Devi had filed Complaint Case No. 3237(C)/2012 against her husband and in-laws. The husband of Chanda Devi compromised the case and took Chanda Devi to his house. Thereafter, the accused persons killed Chanda Devi and her three children. Even their dead bodies are not traced as yet.



Submission of the learned counsel for the petitioners is that petitioner no. 2 Santosh Rai @ Santosh Kumar, petitioner no. 3 Chinta Devi and petitioner no. 4 Renu Devi are not accused in Complaint Case No. 3237(C)/2012. The petitioners have no manner of concern with the family affairs of Mukesh Rai and his wife Chanda Devi. The informant is admittedly not an eye-witness of the occurrence. On similar facts, Prem Chand Rai and Dharmendra Rai @ Dharmendra Kumar, who are the brothers-in-law of Chanda Devi, have already been enlarged on anticipatory bail vide order dated 10.04.2015 passed in Cr. Misc. 14497 of 2015. The case of the petitioners no. 2 to 4, namely, Santosh Rai @ Santosh Kumar, Chinta Devi and Renu Devi, stands on the same footing. Insofar as the case of the petitioner no. 1, namely, Most. Dewanti Kunwar @ Dewanti Devi is concerned, it is submitted that she is a widow and mother-in-law of Chanda Devi. Of course, her name appeared in Complaint Case No. 3237(C)/2012, but she is a widow and no specific allegation is made against her.

On the other hand, learned counsel for the informant as well as learned A.P.P. opposed the prayer for anticipatory bail of the petitioners. It is submitted that Chanda Devi and her three children were done to death and their dead bodies were disposed

of.

It appears that the offence is of very serious nature but from perusal of the records, it appears that Chanda Devi was married to Mukesh Rai in the year 2007. She filed Complaint Case No. 3237(C)/2012 against her husband and mother-in-law Most Dewanti Kunwar @ Dewanti Devi, who is petitioner no. 1 in this case. Chanda Devi did not make any allegation of demand of dowry and torture against her other in-laws. Mukesh Rai, husband of Chanda Devi, compromised the case and took her to his house and thereafter Chanda Devi and her three children were done to death.

Considering the facts aforesaid and the fact that Chanda Devi did not make any allegation against the petitioners no. 2 to 4 earlier and the informant made omnibus and general allegation, but on similar facts, Prem Chand Rai and Dharmendra Rai, have already been enlarged on anticipatory bail, the above named petitioners no. 2, 3 and 4, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Saran at Chapra in

Sonpur P.S. Case No. 416 of 2014, corresponding to G.R. No. 4731 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the case of the petitioner no. 1, Most Dewanti Kunwar @ Dewanti Devi, is concerned, considering the facts and the petitioner no. 1 is the mother-in-law, her name appeared in the earlier complaint petition also, she was living with the complainant Chanda Devi, after compromise Mukesh Rai, husband of Chanda Devi, took her to his house and thereafter Chanda Devi and her children are traceless, I am not inclined to enlarge the above named petitioner no. 1 on anticipatory bail in Sonpur P.S. Case No. 416 of 2014, corresponding to G.R. No. 4731 of 2014. Accordingly, the same is rejected.

Dilip/-

(Prabhat Kumar Jha, J)

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