

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34458 of 2015

Arising Out of PS.Case No. -16 Year- 2015 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

- =====
1. Rishi Kumar Roy @ Rishi Kumar Rai Son of Shri Dinesh Roy
 2. Manju Devi Wife of Shri Dinesh Roy
 3. Munna Roy @ Prashant Kumar Roy Son of Shri Dinesh Roy
 4. Sarita Devi Wife of Shri Munna Roy @ Prashant Kumar Roy
 5. Aarti Devi Wife of Rishi Kumar Roy

All resident of Village - Mangalwar, P.S. - Bhargama via - Chopra Ram
Nagar, District - Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr. Rakesh Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 16-10-2015 Heard both sides.

The petitioners, five in number, apprehend their arrest in a case under Sections 498(A), 494, 346, 347 and 304 of the Indian Penal Code. Later on, the Sections were corrected and the case was registered under Sections 498(A), 494 and 304(B) of the Indian Penal Code and Sections 3 / 4 of the D.P. Act.

The petitioners are husband and other in-laws of Abha Kumari, the daughter of Tara Devi. The mother of Abha Kumari lodged a complaint case alleging therein that her daughter



came to her house and complained about ill-treatment at the hands of her husband and other in-laws. Her husband came with his second wife Aarti Kumari and took Abha Kumari along with him on the pretext of getting her proper treatment but thereafter Abha Kumari became traceless. The informant alleged that the petitioners killed her and disposed of her dead body. It is submitted that all the accusations made in the complaint petition, on the basis of which the present F.I.R. is lodged, are false and concocted. Abha Kumari died on 21.03.2010. The death certificate is annexed to the petition as Annexure-2. From perusal of Annexure-3, it would appear that Uday Shankar, the brother of Abha Kumari, is the nominee of her LIC policy. Uday Shankar informed the LIC about the death of his sister Abha Kumari and he withdrew the amount of the death claim on 23.08.2010 vide cheque no. 0263046. It is submitted that Uday Shankar was married with the sister of the petitioner no. 1. Uday Shankar and his wife Dolly Kumari fought litigation and Dolly Kumari is getting maintenance from her husband, on the basis of which, Uday Shankar was granted anticipatory bail by this Court vide order dated 15.09.2015 passed in Cr. Misc. No. 34198/2015 and with a view to take vengeance, the informant lodged this case.

Learned A.P.P., however, opposed the prayer for

anticipatory bail but he did not dispute the fact that the brother of the deceased got death claim of his sister, showing death of Abha Kumari on 21.03.2010, about four years ago from the date of institution of the present case.

Considering the facts aforesaid, the above named petitioners, 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) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in Muzaffarpur Sadar P.S. Case No. 16/2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Dilip/-

(Prabhat Kumar Jha, J)

U		T	
---	--	---	--