

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22770 of 2016

Arising Out of PS.Case No. -87 Year- 2015 Thana -BISFI (PATAUNA) District- MADHUBANI

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1. Samola Devi, wife of Mahendra Choupal
2. Karo Devi, wife of Birendra Choupal
3. Birendra Choupal, son of Mahendra Choupal,
All residents of village Nahas Rupauli, P.S. Bisfi (Parsauni),
Distt. Madhubani

.... Petitioners

Versus

1. The State of Bihar
2. Shyam Das, son of Sohan Das, resident of village- Shisho, Tola Chanpur,
P.S. Sadar Mabbi (O.P), Distt.- Darbhanga

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Kripa Nand Jha

For the Opposite Party/s : Mr. Rajesh Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

7 16-11-2016 Heard Sri Kripa Nand Jha, learned counsel for the

petitioners, Sri Rajesh Kumar, learned Addl. Public Prosecutor as

well as Sri Iqbal Asif Niazi, learned counsel for the informant.

Three petitioners, who are mother-in-law, wife of
brother of husband of the deceased and brother of husband of the
deceased respectively, have approached this Court for grant of
anticipatory bail in Bisfi (Patauna) P.S. Case No.87 of 2015
registered for the offence under Sections 498(A), 304(B) and
120(B) of the Indian Penal Code.

It was submitted by learned counsel for the
petitioners that after the occurrence, on the basis of statement of



the informant, an U.D. Case was registered . Learned counsel for the petitioners has drawn my attention to Annexure-2 to the present petition i.e. fardbeyan of the informant of the present case and submits that in earliest statement, the informant has not at all indicated any allegation against the petitioners, but subsequently the present F.I.R. was lodged on the basis of complaint petition. He submits that admittedly the complaint petition was filed and in the complaint petition, exaggerated story was created to show, as if, the daughter of the informant was done to death by the member of in-law including the petitioners. He submits that petitioner no.1 is an old lady. Of course, she was mother-in-law of the deceased. Petitioner nos. 2 and 3 have no any role in the occurrence, rather at the time of occurrence, they were away from the place of occurrence. He submits that this fact was noticed by the Investigating Officer also. On this very ground, a prayer has been made for extending the privilege of bail to the petitioners.

Learned Addl. Public Prosecutor and learned counsel for the informant have opposed the prayer for grant of anticipatory bail. It was argued that the marriage of the daughter of the informant was solemnized with son of petitioner no.1 only on 07.03.2014 and even before expiry of one year; the daughter of the informant was done to death by strangulation. He submits that

in the postmortem examination report, injury was found on the neck of the deceased, which suggests that the death had occurred due to strangulation. It has been argued that since within seven years from the date of marriage, death of daughter of the informant had occurred that too due to strangulation, in normal course, accused persons are not entitled to get privilege of anticipatory bail.

Besides hearing learned counsel for the parties, I have also perused the materials on record. On perusal of the complaint petition itself, it is evident that the complainant had alleged that on blank papers, the police officials had got signature of the informant and even after receipt of postmortem examination report, which suggests that death had occurred due to strangulation, the police was not taking any action. Thereafter, the complainant was constrained to approach the learned Magistrate and filed complaint petition, which has been subsequently referred to the police and the case has been registered. On perusal of the F.I.R., wherein specific accusation has been made, the Court is of the opinion that in any event, the petitioners are not entitled to get privilege of anticipatory bail.

The petition stands dismissed.

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(Rakesh Kumar, J)