

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9836 of 2019

Arising Out of PS. Case No.-377 Year-2017 Thana- KHIJARSARAI District- Gaya

1. Kanchan Devi, w/o Rakesh Kumar Resident of village-Gangabigha, P.S-Khizersarai,
2. Rajdeo Yadav, s/o Bishu Yadav resident of village-Gangabigha, P.S-Khizersarai,
3. Kari Devi, w/o Rajdeo Yadav resident of village-Gangabigha, P.S-Khizersarai,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar No.4

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 26-06-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State as well as learned counsel for the informant.

Petitioners apprehend their arrest in connection with Khizarsarai P.S. Case No.377 of 2017 for the offence punishable under Sections 498A, 304(B), 201(B)/34 of the Indian Penal Code.

The allegation against the petitioners is that the daughter of informant was married with Shailendra Yadav four years ago. After the Gauna, the daughter of the informant went to her sasural (matrimonial home) where her in laws's and husband started torturing the daughter of the informant mentally as well as physically. The allegation of demand of dowry and motorcycle was also there in the First Information Report. On 25.12.2017, the



informant got the information that the daughter, Munni Devi (deceased), has been killed by the husband and other petitioners cremated the dead body in order to conceal the evidence.

Learned counsel for the petitioner submits that the petitioner no.1 is the married daughter and petitioner no.2 and 3 are father in law and mother in law and petitioner no.2 and 3 are not supposed to commit an offence alleged. Petitioner No.1 being the married Nanad and residing in separate village as such the allegation against her is also false and is not correct.

On the other hand, learned counsel for the informant as well as learned counsel appearing for the State have submitted that the petitioners are named in the FIR and the allegation of demand of dowry prior to the death is also there. It has further been submitted that the daughter of the informant was killed within seven years of marriage and the circumstances and onus regarding death of deceased Munni Devi have not been sufficiently explained by the accused persons and further the husband and all members of the family were found absconding after the death of the deceased, Munni Devi. It has further been submitted that the husband of the deceased is still absconding and process under Section 82 and 83 have also been exhausted against the husband of the deceased Shailendra Yadav.



The learned counsel for the State has also referred paragraph 11 and 12 of the case diary and submits that the witnesses have clearly stated regarding the involvement of the petitioners and the police has found the case against them true and has submitted chargesheet against the petitioners showing the husband an absconder.

After having heard learned counsel for the parties and upon perusal of materials available on record, it transpire that the petitioners are specifically named in the First Information Report, there is material in the case diary connecting the petitioners with the alleged offence in question and in view of the fact that the circumstances of death of Munni Devi within seven years of marriage having been not properly explained by the accused, I am not inclined to grant anticipatory bail to all the petitioners and the same is hereby rejected.

(Anil Kumar Sinha, J)

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