

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16463 of 2019

Arising Out of PS. Case No.-257 Year-2018 Thana- PANCHRUKHI District- Siwan

1. Bankey Singh, Son of Late Ram Rati Singh @ Ram Rati Prasad, Resident of Village- Nainpura, P.S.- Pachrukhi, District- Siwan.
2. Kaushalaiya Devi @ Kaushalya Devi, Wife of Sri Bankey Singh, Resident of Village- Nainpura, P.S.- Pachrukhi, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Prasad

For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 20-06-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Pachrukhi P.S. Case No. 257 of 2018, registered under Sections 498(A), 364 and 120(B)/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act, pending in the court of S.D.J.M., Siwan.

The accusation is that informant, Dev Shankar Singh, performed the marriage of his daughter, Pushpa Kumari with Mithlesh Singh, son of both petitioners on 09.12.2012. On 28.02.2018, his daughter, Pushpa Kumari informed him that she was being tortured by her husband, father-in-law, mother-in-law



and sister-in-law for demand of dowry and they are making plan to kill her. Thereafter, he went on the same day at Sasural house of his daughter, Pushpa Kumari, but his daughter was not present at her Sasural then he locked the door of room of his daughter, Pushpa Kumari and made query about his daughter from her husband and other in-laws but they did not give any satisfactory reply. The informant raised suspicion about killing of his daughter by her husband and in-laws due to non-fulfillment of demand of dowry.

Learned counsel for the petitioners submits that petitioner nos. 1 and 2 are father-in-law and mother-in-law of Pushpa Kumari, daughter of the informant. It is further submitted that, in fact, Pushpa Kumari used to do the job in Om Diagnosis Center, Siwan and she used to visit at Om Diagnostic Center, Siwan from her Maika. On 28.08.2018, Pushpa Kumari told her husband, Mithlesh Singh, to visit the Doctor at Siwan, on which, he accompanied his wife-Pushpa Kumari at the clinic in Siwan and thereafter, Pushpa Kumari told him to meet her Mausi. Thereafter, son of petitioners went to meet the Mausi of his wife and when he returned back at the clinic of Siwan then found that his wife was not present there then he made query about his wife from the staff of clinic, who disclosed that she



left the clinic without visit of Doctor. Further submission is that Pushpa Kumari, wife of son of petitioners, was doing the job at Om Diagnostic Centre, Siwan, where she was fallen in love with Abhi and Nitish but in the meantime, Abhi was killed by someone. Thereafter, Pushpa Kumari stopped the work in Om Diagnostic Centre, Siwan, and started to work in Parvati Press, Lalan Complex, Siwan but Nitish always asked to Pushpa Kumari to do the work in Om Diagnostic Centre, Siwan but she refused. Thereafter, Nitish Kumar was also killed by someone, regarding which, Mirganj P.S. Case No. 173 of 2018 was instituted then Pushpa Kumari used to live at her Sasural house. It is further submitted that hand written diary of Pushpa Kumari was received in her room, in which, she has stated that due to frustration, she left the clinic.

On the other hand, learned counsel for the State submits that it would appear from the F.I.R. that informant had gone at the house of petitioners and locked the room of his daughter, Pushpa Kumari but there is no description in the case diary about recovery of hand written diary of daughter of the informant, Pushpa Kumari and only it has come in re-statement of informant that on query, both petitioners informed that she had gone to clinic for her treatment.



Having considered the facts and circumstances of the case and the nature of allegation against the petitioners, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, their prayer for grant of anticipatory bail stands rejected. The petitioners are directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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