

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28416 of 2019

Arising Out of PS. Case No.-434 Year-2018 Thana- FATUA District- Patna

1. Lal Muni Devi @ Arti Devi Wife of Kashi Mahto Resident of Mohalla- Mausimpur Kurtha, P.S.- Fatuha, District- Patna.
2. Kashi Mahto Son of Late Saryug Mahto Resident of Mohalla- Mausimpur Kurtha, P.S.- Fatuha, District- Patna.
3. Seema Devi Wife of Ashok Kumar Resident of Mohalla- Mausimpur Kurtha, P.S.- Fatuha, District- Patna.
4. Ashok Kumar Son of Kashi Mahto Resident of Mohalla- Mausimpur Kurtha, P.S.- Fatuha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 30-04-2019 Heard both sides.

The petitioners apprehend their arrest in Fatuha P.S.
Case No.434 of 2018 registered under Sections 304(B) and 34
of the Indian Penal Code.

The father of the deceased alleged that he got his
daughter married with Rahul Kumar, son of petitioner nos.1 and
2 on 20.06.2018 but immediately thereafter his daughter
complained of ill-treatment and physical assault on account of
non-fulfillment of additional demand of dowry. The informant
got telephonic information from Anil Kumar that Rishika (the
daughter of informant) was no more. When the informant went
there, he found the dead body of his daughter lying inside the



room.

Learned counsel for the petitioner submits that the petitioners are mother-in-law, father-in-law, sister-in-law and brother-in-law of the deceased. The husband of the deceased has been granted regular bail under section 167 (2) of the Cr.P.C. It is submitted that the petitioners have no manner of concern with the family affairs of the deceased and her husband. Anil Kumar and his wife, who are brother-in-law and sister-in-law of the deceased, have been granted anticipatory bail by I/C Additional Sessions Judge-VI, Patna City in A.B.P. No.5981 of 2018 on 19.09.2018. The case of the petitioners stands on better footing.

Learned counsel for the informant as well as learned APP vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that from perusal of the inquest report it would appear that the deceased was brutally assaulted before her killing. The daughter of the informant was done to death within one month of her marriage. The petitioners are mother-in-law, father-in-law, sister-in-law and brother-in-law of the deceased and all the family members are alleged to have assaulted the deceased and killed her. The Investigating Officer intentionally did not submit charge sheet within 90 days from the date of custody of the husband and on account of which the



husband got benefit under Section 167 (2) of the Cr.P.C.

From perusal of F.I.R. itself, it appears that the petitioners are mother-in-law, father-in-law, sister-in-law and brother-in-law of the deceased Rishika. Rishika was married to Rahul Kumar, son of petitioner nos.1 and 2 on 20.06.2018. The informant got information that all the accused persons including the petitioners were subjecting his daughter to physical and mental torture due to non-fulfillment of additional demand of dowry and the informant got information on 22.07.2018 itself from mobile that his daughter was no more. When the informant after having received such information went to the place of his daughter, he found his daughter lying dead.

Having considered the facts that the daughter of the informant was killed in her in-laws' house within one month of her marriage and there is allegation against all the family members including the petitioners, who are mother-in-law, father-in-law, sister-in-law and brother-in-law of the deceased, that they were torturing and killed the deceased, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

Harish/-

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

(Prabhat Kumar Jha, J)

