

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70779 of 2019

Arising Out of PS. Case No.-288 Year-2019 Thana- RANIGANJ District- Araria

1. Laxmi Chaupal Son of Sukhdeo Chaupal Resident of Village - Bengwahi, ward No.1, P.S.- Raniganj, Distt.- Araria.
2. Lalita Devi W/o Laxmi Chaupal Resident of Village - Bengwahi, ward No.1, P.S.- Raniganj, Distt.- Araria.
3. Sharda Devi W/o Pawan Chaupal Resident of Village - Bengwahi, ward No.1, P.S.- Raniganj, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha
For the Opposite Party/s : Mr. Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-12-2019 The petitioners seek bail in anticipation of their arrest in connection with Raniganj P.S. Case No. 288 of 2019 dated 21.08.2019 which was initially instituted for the offences under Sections 363, 365 of the Indian Penal Code but later with the recovery of the dead body Sections 302, 201, 120(B) I.P.C. were also added.

It has been alleged in the F.I.R by the mother of the deceased that one of the friends of his son (deceased) viz. Raja Kumar came and called him in the night. The informant is stated to have dissuaded her son



from going out from home in the night. However, the son of the informant went out from the house, never to return. The cause of the occurrence as stated in the F.I.R was that earlier the petitioner No. 1 and his father-in-law had threatened the informant that if her son does not mend his ways, he shall be taken to some unknown destination. Later, the dead body of the deceased in a decomposed condition was found in a ditch.

During the course of investigation, it came to light that the deceased had developed some connection with the daughter of petitioner Nos. 1 and 2 viz. Sanjana Kumari. This was objected to by the family members of the petitioners but aforesaid Sanjana Kumari continued meeting the deceased. Aforesaid Sanjana Kumari was later married to some other person but the affair between the deceased and Sanjana Kumari continued.

On the eve of Raksha Bandhan, Sanjana Kumari came to her maternal home and had called the



deceased to meet him. They were found in a room in an objectionable position. The suspicion therefore is that this action of the deceased of continuing his relationship with aforesaid Sanjana Kumari irked the family members and therefore they managed to have him eliminated.

There is a strong suspicion about the hands of the petitioners in the aforesaid occurrence but there is no direct evidence with respect to the participation of the petitioners in the offence of killing the deceased. The entire accusation therefore is based on suspicion and that also because of an amorous relationship between the married daughter of the petitioners with the deceased.

The petitioner Nos. 1 and 2 are parents of Sanjana Kumari whereas petitioner No. 3 is maternal grand-mother of aforesaid Sanjana Kumari.

Regard being had to the nature of accusation which borders on suspicion, this Court is inclined to grant anticipatory bail to petitioner Nos. 2 and 3, keeping in



mind their gender.

However, the prayer for anticipatory bail of petitioner No. 1/Laxmi Chaupal is rejected.

The petitioner Nos. 2 and 3, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Araria in connection with Raniganj P.S. Case No. 288 of 2019(G.R. No. 3057 of 2019), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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