

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 75308 of 2019

Arising Out of PS Case No.-276 Year-2019 Thana- SHAHPUR District- Patna

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1. Haruni Rai, aged about 52 years (M) Son of Late Harish Rai, Resident of Village - Daudpur Bagicha, P.S.- Shahpur, District - Patna.
 2. Anita Devi, aged about 45 years (F) Wife of Haruni Rai, Resident of Village - Daudpur Bagicha, P.S.- Shahpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar, Advocate
For the State	:	Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 26-11-2019

Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have moved the Court seeking pre-arrest bail in connection with Shahpur PS Case No. 276 of 2019 dated 10.07.2019 instituted under Sections 304(B), 201 and 34 of the Indian Penal Code.

3.The allegation against the petitioners, who are the father-in-law and mother-in-law of the daughter of the informant are accused of complicity in the death and subsequent disposing of the body of the deceased.



4. Learned counsel for the petitioners submitted that though they are the father-in-law and mother-in-law, are living separately since the last four years from the family of the deceased and her husband. It was further submitted that the informant has wrongly stated in the FIR that the body was disposed off, whereas the fact is that he had participated in the cremation. On a query of the Court to learned counsel for the petitioners as to whether there is any material to indicate such stand during investigation, he fairly submitted that no evidence to this effect has come. On a further query of the Court as to what is the explanation for the death of the deceased being young in age and living in the matrimonial home, he further admitted that no such explanation has come during police investigation and even he has not been instructed to take any stand with regard to the same, in the present case.

5. Learned APP submitted that once the petitioners are the father-in-law and mother-in-law and they being the seniormost guardians in the matrimonial home, they cannot shirk their responsibility from ensuring safety of the daughter-in-law, who has been killed. It was further submitted that there being no explanation as to what was the reason of death also indicates that it



was unnatural, for which the authorities had to be informed before disposing the body, which has not been done.

6. Having regard to the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioners.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

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