

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10831 of 2020

Arising Out of PS. Case No.-386 Year-2019 Thana- TEKARI District- Gaya

1. LOKESH KUMAR S/o Ram Dhyan Singh Resident of Village- Bajitpur, P.S.- Tekari, Distt- Gaya.
2. Amit Kumar S/o Vijay Singh Resident of Village- Bajitpur, P.S.- Tekari, Distt- Gaya
3. Saraswati Devi W/o Vijay Singh Resident of Village- Bajitpur, P.S.- Tekari, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No. 2, Advocate
For the State	:	Mr. Binod Kumar No. 2, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 10-07-2020 Heard Mr. Manish Kumar No.2, learned counsel

for the petitioners and Mr. Binod Kumar No.2, learned

Additional Public Prosecutor appearing for the State

through video conferencing.

Petitioner apprehends arrest in connection with

Tekari P.S. Case No. 386 of 2019 registered for the offences

punishable under Sections 304(B), 201 and 120(B) of the

Indian Penal Code 1860.

The allegation against the petitioners as per the

First Information Report is that the daughter of the

informant was married with one Kundan Kumar in the year



2019. It has further been alleged that after marriage, the husband of the deceased and his family members started demanding dowry and due to non-fulfillment of said demands, started torturing her physically and mentally. It has further been alleged that this case has been lodged on 28.10.2019 when the informant got information about death of his daughter. On getting information the informant went to matrimonial home of his daughter, but nobody was found present in the house and upon inquiry, the informant came to know that the accused persons have killed the daughter of the informant and cremated the dead body clandestinely.

Learned counsel for the petitioners submits that petitioner No. 1 is co-villager and he has falsely been implicated in this case. Learned counsel further submits that petitioner No. 2 is brother-in-law of the deceased and petitioner No. 3 is mother-in-law. Learned counsel also submits that petitioners No. 2 and 3 are living separately from the said Kundan Kumar (husband of the deceased) and they have falsely been implicated in this case. Learned counsel also submits that death has allegedly taken place on 26.10.2019 but the present First Information Report has



been lodged on 28.10.2019 i.e. after two days of the occurrence and was sent to learned Magistrate on 6.11.2019, which creates doubt on the prosecution story. Learned counsel further submits that in the First Information Report there is no allegation that the petitioners ever demanded any dowry from the deceased and her family members.

Learned counsel for the State on the other hand has vehemently opposed the prayer for anticipatory bail and submits that the petitioners are named in the First Information Report wherein it is specifically mentioned that husband of the deceased as well as his other family members used to demand dowry and due to non-fulfillment of the demand, the deceased used to be tortured by the family members and further when the informant arrived at the matrimonial home of the deceased, no family members were found present in the house, which creates doubt regarding conduct of the petitioners inasmuch as, as per Section 113(B) of the Evidence Act, there is presumption of committing crime against the petitioners and no justifiable reason has been given by the petitioners.



Having regard to the submissions made by the parties and taking into consideration the fact that as per the statement of the learned counsel for the petitioners, the petitioner No. 1 is co-villager and he is not related with the family of the husband of the deceased, I am inclined to grant anticipatory bail to the the petitioner No. 1.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner No. 1 namely, Lokesh Kumar, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Gaya, in connection with Tekari P.S. Case No. 386 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as petitioner Nos. 2 and 3 are concerned who are brother-in-law and mother-in-law of the deceased and are specifically named in the First Information Report and daughter of the informant has died within one year of her marriage in her matrimonial home, I am not inclined to grant anticipatory bail to petitioner Nos. 2 and 3.



Accordingly, this application for anticipatory bail preferred by petitioner Nos. 2 and 3 is hereby rejected.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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