

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22102 of 2020

Arising Out of PS. Case No.-472 Year-2019 Thana- DUMRA District- Sitamarhi

1. Suresh Pandey, male, aged about 60 years, son of Late Ramashray Pandey,
 2. Menka Devi @ Menka Pandey @ Munuka Devi, female, aged about 46 years, wife of Sri Suresh Pandey,
 3. Ravi Kumar Pandey, male, aged about 18 years, son of Sri Suresh Pandey, All resident of Village- Ajamgarh, P.S.- Dumra, Distt- Sitamarhi.
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vaidehi Raman Prasad Singh, Advocate
For the Opposite Party/s : Mr. Jai Narayan Thakur, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 18-08-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Vaidehi Raman Prasad Singh, learned counsel for the petitioners and Mr. Jai Narayan Thakur, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Dumra P.S. Case No.472 of 2019 dated 20.12.2019, instituted under Sections 304-B, 201/34 of the Indian Penal Code.

4. The allegation against the petitioners and seven



others is of killing the daughter of the informant, who was carrying pregnancy of five months, within seven months of marriage and then cremating the body within a few hours without informing the relatives of the deceased.

5. Learned counsel for the petitioners submitted that they have been falsely implicated and had no role in the incident. It was submitted that petitioner no. 1 is the father-in-law of the deceased, petitioner no. 2 is the mother-in-law and petitioner no. 3 is the son of the petitioners no. 1 and 2. Learned counsel submitted that the deceased and her husband were living separately and that she had fallen at night on 19.12.2019 and while being taken to the hospital had died. It was submitted that even in the FIR, there is no allegation with regard to any demand of dowry or torture by the petitioners and the allegation is only against the husband, Avnish Pandey.

6. Learned APP submitted that the petitioners being the in-laws of the deceased are at least involved in destroying the evidence, inasmuch, as within a few hours of the death the body was cremated without informing the relatives of the deceased, which itself goes to show that there was something to hide. It was submitted that first of all the marriage had taken place by enticing the deceased and thereafter the manner of



death and the disposal of the body without the relatives to the deceased getting an opportunity to participate in the cremation, itself is a strong indication that the petitioners were involved and had tried to cover up the evidence so that the body did not remain for future investigation including postmortem.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds substance in the submissions of the learned APP. The mere fact that the body of the deceased, who was married only about seven months back and the allegation being that it was done after enticing the girl, and after death also the dead body being cremated within a few hours without informing any of the relatives of the deceased, does not persuade the Court to grant any indulgence to the petitioners.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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