

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23499 of 2020**

Arising Out of PS. Case No.-12 Year-2020 Thana- TATARPUR District- Bhagalpur

1. SULEKHA DEVI W/o Late Ram Pravesh Singh Resident of At-Urdu Bazar, P.S-Tatarpur, District-Bhgalpur.
2. Avnit Kumar @ Avinit Kumar Singh S/o Late Ram Pravesh Singh Resident of At-Urdu Bazar, P.S-Tatarpur, District-Bhgalpur.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Madhav Krishna, Advocate

For the Opposite Party/s : Mr.Arun Kumar Singh No. 5, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 02-12-2020 Heard learned counsel for the petitioners and Mr. Arun Kumar Singh No.5, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Tatarpur P.S. Case No. 12 of 2020 registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code.

Petitioner no. 1 is the mother-in-law whereas petitioner no. 2 is the Dewar of the deceased. Learned counsel for the petitioners submits that the marriage between the deceased and the son of petitioner no. 1 had taken place in the year 2009 i.e. about 11 years ago. As per the first information report the dead body of the deceased was found hanging through the Fan attached to the roof of the house. She had gone for an



inter-caste marriage and for that reason she has been killed. It is alleged that the son-in-law of the informant, his mother and younger brother were always calling the deceased being from another caste and it is for this reason they have killed her.

Learned counsel for the petitioners submits that the husband of the deceased is already in jail. So far as these two petitioners are concerned, they had no connection with the family of the deceased and it is difficult to believe that after eleven years of the said love marriage between the deceased and her husband these petitioners would indulge in killing her for that reason.

It is submitted that so far as petitioner no. 2 is concerned he is presently aged about 22 years, therefore at the time of marriage of the deceased the petitioner no. 2 was hardly aged about 11 years and a minor, therefore this kind of allegations cannot be believed by any stretch of imagination.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners but on repeated query made by this Court as to whether any independent witness has been examined and if so what statements have been made against these petitioners, learned A.P.P. submits that the witnesses examined in course of investigation are the near relations of the



deceased and there is no independent witness who has come forward to make any allegation against these petitioners.

Having regard to the facts and circumstances of the case wherein, in course of investigation no independent material has come against these petitioners suggesting their involvement in this case, let the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Tatarpur P.S. Case No. 12 of 2020 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-7, Bhagalpur, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India



without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

