

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24855 of 2020

Arising Out of PS. Case No.-44 Year-2020 Thana- KADWA District- Katihar

1. BHOLA KEWAT Son of Late Dubbar Kewat Resident of Village- Dukhara, P.S.- Kadwa, District- Katihar.
2. Geeta Devi Wife of Bhola Kewat Resident of Village- Dukhara, P.S.- Kadwa, District- Katihar.
3. Poddar Kewat Son of Bhola Kewat Resident of Village- Dukhara, P.S.- Kadwa, District- Katihar.
4. Soni Devi Wife of Poddar Kewat Resident of Village- Dukhara, P.S.- Kadwa, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 10-12-2020 Heard Mr. Rajendra Prasad Sah, learned counsel for the petitioners and Mr. Sanjay Kumar Pandey, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners apprehend arrest in connection with Kadwa P.S. Case No. 44 of 2020 registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

The allegation as per the First Information Report is that marriage of the daughter of the informant was solemnized with the co-accused Sunil Kewat on 11.02.2012 and after some



time of the marriage, the husband and other co-accused persons including petitioners started demanding Rs.5,00,000/- as dowry and due to non fulfillment of the said demand, the daughter of the informant was being subjected to cruelty and assault and ultimately, on 20.5.2019 the informant got information on Mobile that his daughter has been killed and when the informant arrived at the matrimonial home of his daughter, he did not find her dead body.

Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and have falsely been implicated in this case with oblique motive inasmuch as from perusal of the complaint-cum-First Information Report, it would be evident that the alleged incident had taken place on 20.5.2019, but the present complaint which has been converted into First Information Report has been lodged after considerable delay of five months, i.e. on 16.10.2019. Learned counsel further submits that during course of investigation, the Supervising Authority has come to the conclusion that the deceased has committed suicide and the Supervising Authority has recommended for filing charge sheet against the husband of the deceased under Section 306 and 498A of the Indian Penal Code. Learned counsel further submits



that petitioner No. 1 is father-in-law, petitioner No. 2 is mother-in-law whereas petitioners No. 3 and 4 are brother-in-law and sister-in-law of the deceased.

On the other hand, learned counsel for the State referring to the case diary submits that husband is in custody and Police after investigation has found the case true under Sections 306 and 498A of the Indian Penal Code against the husband of the deceased.

Having heard learned counsel for the parties and taking into consideration the materials on record and the fact that there is a considerable delay in lodging the First Information Report inasmuch as the occurrence has allegedly taken place on 20.05.2019, but complaint was filed by the complainant on 16.10.2019 after a considerable delay of five months, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Kadwa P.S. Case No. 44



of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

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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