

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28162 of 2020

Arising Out of PS. Case No.-83 Year-2019 Thana- SRINAGAR District- West Champaran

1. Laxmi Kumari @ Laxmina Kumari, Female, Aged about 22 years, Daughter of Jagatlal Chaudhary, Resident of Village- Jagarnathpur (Bharpatia), P.S.- Shrinagar Pujahan, District- West Champaran.
2. Nitish Kumar, Male, Aged about 20 years, Son of Jagatlal Chaudhary, Resident of Village- Jagarnathpur (Bharpatia), P.S.- Shrinagar Pujahan, District- West Champaran.
3. Ganesh Kumar, Male, Aged about 19 years, Son of Jagatlal Chaudhary, Resident of Village- Jagarnathpur (Bharpatia), P.S.- Shrinagar Pujahan, District- West Champaran.
4. Jagatlal Chaudhary, Male, Aged about 50 years, Son of Late Bhagwan Chaudhary, Resident of Village- Jagarnathpur (Bharpatia), P.S.- Shrinagar Pujahan, District- West Champaran.
5. Rita Devi, Female, Aged about 40 years, Wife of Jagatlal Chaudhary, Resident of Village- Jagarnathpur (Bharpatia), P.S.- Shrinagar Pujahan, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No 7, Advocate
For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 03-12-2020 Heard Mr. Sanjay Kumar, the learned counsel for the petitioners and the learned Additional P.P. through video conferencing.

The petitioners apprehend their arrest in Shrinagar P.S. Case No.83 of 2019, registered under Sections 304(B), 201 and 34 of the Indian Penal Code.

The informant, father of the deceased, alleged that he solemnized the marriage of his daughter with Rohit Kumar, son of



petitioner no.4, Jagatlal Chaudhary and petitioner no.5, Rita Devi on 02.03.2019. His daughter lived happily for a month, but thereafter Rohit Kumar, Jagatlal Chaudhary and Rita Devi demanded a four wheeler. When the informant showed his inability to fulfill the demand, they were pressurizing his daughter to leave the house. On 13.11.2019, the informant got information in the night from his relative residing in the same village that Rohit Chaudhary, Jagatlal Chaudhary, Rita Devi, Nitish Kumar, Ganesh Kumar, Laxmi Kumari, Dhanesh Chaudhary, Shambhu Chaudhary and Kishore Chaudhary strangled his daughter to death and they tried to cremate the dead body putting the dead body on the cot after sprinkling kerosene oil.

Learned counsel for the petitioners submits that petitioner no.1, Laxmi Kumari is unmarried daughter, petitioners no.2 and 3, Nitish Kumar and Ganesh Kumar are younger brothers of the husband of the deceased and petitioners no.4 and 5, Jagatlal Chaudhary and Rita Devi are the father-in-law and mother-in-law of the deceased. There is no allegation against the sister and brothers of the husband of the deceased about demand of dowry and torture. Allegation of demand of dowry is made against father-in-law, mother-in-law and husband. It is further submitted that the father-in-law of the deceased is deaf and dumb and, therefore, the petitioners deserve anticipatory bail, but from perusal of the FIR



itself, it appears that the informant made specific allegation against father-in-law, mother-in-law and husband of the deceased that they started torturing the deceased and the daughter of the informant was strangled to death on 13.11.2019 within nine months from the date of her marriage with Rohit Kumar, son of petitioners no.4 and 5, Jagatlal Chaudhary and Rita Devi. There is no allegation of demand of dowry and torture against petitioners no.1, 2 and 3, who are unmarried sister and younger brothers of the husband of the deceased.

Taking into consideration the facts that there is no allegation of demand of dowry against petitioners no.1, 2 and 3, who are unmarried sister and younger brothers of the husband of the deceased, let petitioners no.1, 2 and 3, namely, Laxmi Kumari @ Laxmina Kumari, Nitish Kumar and Ganesh Kumar, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Shrinagar P.S. Case No.83 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the case of petitioner no.4, Jagatlal Chaudhary



and petitioner no.5, Rita Devi is concerned, they are father-in-law and mother-in-law respectively of the deceased and there is specific allegation that they started torturing the deceased due to non-fulfillment of demand of a four wheeler. The daughter of the informant was done to death within nine months from the date of her marriage with Rohit Kumar, the son of petitioners no.4 and 5 and an attempt was also made to cremate the dead body inside the house after pouring kerosene oil.

Taking into consideration the facts aforesaid, I am not inclined to enlarge petitioners no.4 and 5, namely, Jagatlal Chaudhary and Rita Devi on anticipatory bail. Accordingly, the prayer for anticipatory bail of petitioners no.4 and 5, namely, Jagatlal Chaudhary and Rita Devi is rejected.

(Prabhat Kumar Jha, J)

S.KUMAR/-

U		T	
---	--	---	--

