

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.49893 of 2019**

Arising Out of PS. Case No.-191 Year-2019 Thana- BARAUNI District- Begusarai

1. SAVITRI DEVI Wife of Bhola Chaudhary Resident of Village - Mahna, P.S.- Barauni (Refinery O.P.), District- Begusarai
2. Laxmi Devi Daughter of Bhola Chaudhary Resident of Village - Mahna, P.S.- Barauni (Refinery O.P.), District- Begusarai
3. Radha Kumari Daughter of Bhola Chaudhary Resident of Village - Mahna, P.S.- Barauni (Refinery O.P.), District- Begusarai
4. Bhola Chaudhary Son of Late Saryug Chaudhary Resident of Village - Mahna, P.S.- Barauni (Refinery O.P.), District- Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sandip Kumar Gautam, Adv.
For the Opposite Party/s	:	Mr.Ganesh Prasad Singh, APP
For the Informant	:	Mr. Ravish Mishra, Adv.

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

8 04-09-2020 Heard learned counsel for the petitioners, Mr. Ganesh Prasad Singh, learned APP for the State and Mr. Ravish Mishra, learned counsel representing the informant.

Petitioners in the present case are the mother-in-law, unmarried sister-in-law (Nanads) and father-in-law of the deceased. Petitioner nos.2 and 3 are unmarried Nanads.

All the petitioners are seeking pre-arrest bail in connection with Barauni P.S. Case No.191 of 2019 registered for the offences punishable under Sections 304(B), 120(B) and 201/34 of the Indian Penal Code.



In the First Information Report, it is stated that the marriage of the daughter of the informant was solemnized with one Gulshan Kumar, son of petitioner nos. 1 and 4. The daughter of the informant however informed that her husband, in-laws, Devar and Nanads are pressurizing the daughter of the informant to demand a sum of Rs.50,000/- from her parents. She had made a telephone call in this respect. It is further alleged that the informant had told his daughter that he will arrange for the money in some time as he was presently working outside but all the accused persons were threatening his daughter. On 06.05.2019, the informant came to know that his daughter has been killed and when he reached the house of the accused persons, he found that the doors were locked and his daughter has been thrown somewhere after killing.

Learned counsel for the petitioners submits that so far as these petitioners are concerned, they have been made accused in this case only because they happen to be the kith and kin of the husband of the deceased. It is however submitted that in course of investigation no independent witness has come forward to support the allegation of demand of dowry against these petitioners. Learned counsel further submits that the dead body of the deceased was duly cremated as she died due to



illness. According to the petitioners, the last rites of the dead body of the daughter of the informant were performed in his presence but thereafter the informant started blackmailing the petitioners. Lastly, it is submitted that the husband is already in jail for almost one and half year.

On the other hand, learned counsel for the informant as well as learned APP for the State have opposed the prayer for pre-arrest bail of the petitioners. It is submitted that in course of investigation no witness has come forward so far to say that the daughter of the informant died of any illness and further that the dead body of the deceased was duly cremated. It is submitted that all these petitioners are facing allegation of being involved in demand of dowry and hence they do not deserve privilege of anticipatory bail.

Having regard to the facts and circumstances of this case this Court has noticed that in course of investigation so far no independent witness has come forward to say about demand of dowry, but at the same time the stand of the petitioners that the daughter of the informant died of illness and her last rites were performed are also not getting substantiated from any independent witness. The submission of learned counsel for the informant that for the perfunctory kind of investigation the



informant has filed a protest petition is also to be taken into consideration. The fact remains that from the materials on record so far it is not appearing that the dead body of the daughter of the informant was cremated in presence of the informant. No material has also come with regard to the illness, therefore considering this aspect of the matter, this Court is not inclined to grant privilege of anticipatory bail to petitioner nos.1 and 4. Their prayer for anticipatory bail is refused.

In case, they surrender and pray for regular bail in the court below within four weeks from today, their prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

So far as petitioner nos.2 and 3 are concerned, they are unmarried sister-in-laws of the deceased and considering their young age and that they are not in a position to influence their parents and brother so as to demand dowry and/or to participate in the matter of concealment of the dead body and there being no material against them, let the petitioner nos.2 and 3 above named in the event of their arrest or surrender within a period of four weeks from today in connection with Barauni P.S. Case No.191/2019 be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five Thousand)



each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, 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.

(Rajeev Ranjan Prasad, J)

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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'.

