

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 28089 of 2020

Arising Out of PS Case No.-308 Year-2020 Thana- SONEPUR District- Saran

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1. Pasupati Rai @ Amir Rai (M), aged about 75 years, Son of Late Paltu Rai.
 2. Vikas Kumar (M) aged about 35 years.
 3. Subodh Rai (M) aged about 50 years.
Both Sl. 3 & 4 are S/o Pasupati Rai @ Amir Rai.
 4. Raushan Kumar (M) aged about 26 years, Son of Subodh Rai.
All are Resident of Village-Sadhu Gachhi Malichak, PS-Sonepur, District-Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Udit Narayan Singh, Advocate
For the State	:	Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 12-02-2021

Heard Mr. Udit Narayan Singh, learned counsel for the petitioners and Mr. Ram Sumiran Rai, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioners apprehend arrest in connection with Sonepur PS Case No. 308 of 2020 dated 20.04.2020, instituted under Sections 304-B, 201/34 of the Indian Penal Code.

3. The allegation against the petitioners and others is that they had killed the sister of the informant who was married to another son of the petitioner no. 1.



4. Learned counsel for the petitioners submitted that petitioner no. 1 is the father-in-law of the deceased whereas petitioners no. 2 and 3 are the elder brothers of the husband of the deceased and petitioner no. 4 is the nephew of the husband of the deceased. It was submitted that there has been partition among the family and the brothers have separate mess. It was further submitted that they have no role in the affairs of the deceased and her husband and if at all anything happened, it was between the husband and wife only. Learned counsel submitted that witnesses have also stated with regard to there being separation in the family. Learned counsel submitted that a co-ordinate Bench has granted bail to three similarly situated co-accused Nirmala Devi, Rupesh Kumar @ Hind Keshari Ranjan, Bitu Kumar @ Nand Keshari Ranjan and Param Prakash @ Param Prakash Ranjan @ Prem Prakash, by order dated 04.12.2020 in Cr. Misc. No. 27836 of 2020.

5. Learned APP, from the case diary, submitted that the petitioners living in the same house, though in separate quarters cannot be absolved of the responsibility when the allegation is that without informing the family members of the deceased, the body was cremated. It was further submitted that there is nothing on record to show that the deceased was ill or the reason why she



died and being a young woman, there has to be some explanation and that is why Section 302 of the Indian Penal Code has also been added in the present case. Learned counsel submitted that the petitioner no. 1 being the father and the petitioners no. 2 and 3, being the elder brothers of the husband of the deceased definitely had a direct role in maintaining peace and tranquility of the home and the petitioner no. 4 also is mature and definitely it is believable when the allegation is that they were demanding that the deceased sell the land which was given from her parents' side and get the money. It was submitted that it is but natural that the brothers and father of the husband of the deceased would side with him so that he gets the money. Learned counsel submitted that the demand being there for dowry right from the beginning is obvious, since, as a pre-condition prior to marriage, land was transferred in the name of the deceased and then marriage took place which shows the greedy nature of the petitioners and their family. As far as grant of anticipatory bail to others is concerned, learned APP submitted that the said petitioners were the wife of the brother and very young sons of the husband of the deceased and may not have had any direct role in the episode.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioners.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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