

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29878 of 2020

Arising Out of PS. Case No.-7 Year-2020 Thana- UJIYARPUR District- Samastipur

1. RAM NARESH RAI @ NANHKI RAI Resident of Village-Bhagwanpur Desua, Bhola Tole, P.S.-Ujiyarpur, District-Samastipur.
2. Jageshwar Rai @ Bhagat Jee Son of Late Ravi Ray @ Late Rabi Ray Resident of Village-Bhagwanpur Desua, Bhola Tole, P.S.-Ujiyarpur, District-Samastipur.
3. Ram Chandra Rai @ Ramchandar Ray Son of Late Ravi Ray @ Late Rabi Ray Resident of Village-Bhagwanpur Desua, Bhola Tole, P.S.-Ujiyarpur, District-Samastipur.
4. Nanhki Devi @ Nnki Devi Wife of Ram Naresh Rai @ Nanhki Rai Resident of Village-Bhagwanpur Desua, Bhola Tole, P.S.-Ujiyarpur, District-Samastipur.
5. Aarti Kumari @ Arti Kumari Daughter of Ram Naresh Rai @ Nanhki Rai Resident of Village-Bhagwanpur Desua, Bhola Tole, P.S.-Ujiyarpur, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suresh Rai S/o Late Doman Rai Resident of Village-Mohanpur Dhurloc, Ward No.-9, P.S.-Muffasil, Distt.-Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y. C. Verma, Sr. Adv. Mr. Jagjit Roshan
For the Opposite Party/s	:	Mr. Vinod Shankar Modi

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 29-01-2021 Heard learned Senior Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Ujiyarpur Police Station Case No. 07 of 2020, disclosing offence under Sections 304-B/201/34 of the Indian Penal Code.

The allegation, as per the First Information Report, is



that the daughter of the informant has been killed by the petitioners due to non-fulfillment of demand of dowry of a motorcycle within one month of marriage.

Learned Senior Counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have falsely been implicated in this case. He next submits that the date of marriage has not been disclosed in the First Information Report and giving justification of the death, he submits that the deceased has died of illness. He next submits that in the course of investigation, the witnesses have also stated that the deceased has died of illness. He next submits that the First Information Report is ante-dated inasmuch as the occurrence has taken place at 10:30 on 08.01.2020, but the time of lodging of the First Information Report has been mentioned as 21 hours of 08.01.2020. He next submits that two seizure lists have been prepared, i.e. one at the cremation ground and another at the house of the petitioners and from perusal of the same, it would be evident that the timing stated in both the seizure lists are not matching. He further submits that petitioner no. 5 is the unmarried sister-in-law (nanad) of the deceased, aged about 16 years, and is a school going girl.

On the other hand, learned Additional Public



Prosecutor submits that within one month of marriage the victim has died in her matrimonial home in suspicious condition and while the petitioners, along with other family members, were disposing the dead body clandestinely, the informant got this information and he immediately informed the Police and the Police recovered unburnt portion of the body parts at the cremation ground and prepared seizure list. He further submits that within seven years of marriage, the victim has died in her matrimonial home and there is presumption under Section 113-B of the Evidence Act against the petitioners and the conduct of the petitioners is also suspicious inasmuch as the petitioners and other family members disposed the dead body clandestinely. He next submits that regular bail application of co-accused Akhilesh Rai has been rejected by this Court, vide order, dated 15.01.2021, passed in Criminal Misc. No. 30146 of 2020.

After having heard learned Counsel for the parties concerned and taking into consideration the materials on record and the fact that the victim has died within one month of marriage in her matrimonial home, I am not inclined to grant the petitioner nos. 1 to 4 privilege of anticipatory bail.

This application is, accordingly, dismissed so far as petitioner nos. 1 to 4 are concerned.



However, taking into consideration the age of petitioner no. 5, Aarti Kumari @ Arti Kumari, who is sister-in-law (nanad) of the deceased and is a school going girl, I am inclined to grant the petitioner no. 5 privilege of anticipatory bail.

This application is, accordingly, allowed so far as petitioner no. 5, Aarti Kumari @ Arti Kumari, is concerned.

Let the petitioner no. 5, above named, in the event of her arrest or surrender before the Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Dalsingsarai, Samastipur, in connection with Ujiyarpur Police Station Case No. 07 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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