

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30160 of 2020

Arising Out of PS. Case No.-43 Year-2020 Thana- DANAPUR District- Patna

1. PHULESHWARI DEVI W/O Late Raja Ram Ray Resident of Village Kharanja Road Ward No. - 11, P.S. - Danapur, District - Patna.
2. Ramji Ray Son of Late Raja Ram Ray Resident of Village Kharanja Road Ward No. - 11, P.S. - Danapur, District - Patna.
3. Khushbu Kumari W/O Ramji Ray Resident of Village Kharanja Road Ward No. - 11, P.S. - Danapur, District - Patna.
4. Rina Devi D/O Late Raja Ram Ray Resident of Village Kharanja Road Ward No. - 11, P.S. - Danapur, District - Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Udit Narayan Singh, Advocate
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP
For the Informant	:	Mr. Ajay Kumar Prasad, Advocate
	:	Mr. Binod Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 08-02-2021 Heard learned counsel for the petitioners, learned counsel for the informant and Mr. Bharat Bhushan, learned A.P.P. for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Danapur P.S. Case No. 43 of 2020 registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner no. 1 is the widow mother-in-law, petitioner no. 2 is the devar (younger brother-in-law), petitioner no. 3 is the gotni (wife



of petitioner no. 2) and petitioner no. 4 is the unmarried sister-in-law of the deceased. Learned counsel submits that the marriage between the son of petitioner no. 1 and the deceased took place in the year 2013, they have got two children out of the wedlock. The daughter-in-law of petitioner no. 1 died allegedly due to asphyxia caused by strangulation. It is alleged in the First Informant Report that after the marriage all the accused persons were demanding two kathas of land and it is because of non-fulfillment of the said demand, the daughter of the informant has been killed.

Learned counsel submits that so far as these petitioners are concerned, they have nothing to do with the land which is said to be reason behind the alleged occurrence. It is submitted that from the place of occurrence it may be found that the place of occurrence is a three-storied building. The deceased was residing on the first floor. Learned counsel submits that there is no independent witness supporting the allegation of demand by all the family members. The two children of the deceased have not been examined by the I.O. and the post-mortem report does not show any ante-mortem injury. It is further submitted that the husband of the deceased has already surrendered and he is in jail.

Learned counsel submits that it is a case of false implication of the entire family only because they happen to be the kith and kin of the husband of the deceased.



On the other hand, learned counsel for the informant has opposed the prayer for anticipatory bail of the petitioners. It is submitted that these petitioners are named in the First Information Report and in the given facts and circumstances wherein the death has taken place because of non-fulfillment of demand by all the family members, they do not deserve privilege of anticipatory bail. Learned counsel further submits that cause of death is strangulation, therefore the allegations made against all the family members are justified.

Learned A.P.P. for the State has gone through the case diary and the post-mortem report. This Court has been informed that the family members of the deceased have been examined by the I.O. who have supported the allegation of demand, however the witnesses have not stated about any act of torture being committed upon the deceased for non-fulfillment of the demand. The children of the deceased have not been examined.

Having regard to the facts and circumstances of the case, considering the nature of relationship of these petitioners and that in course of investigation it has been found that the deceased was living on first floor of the house, there was no allegation of commission of any torture though allegation of demand of two kathas of land has been made, in the nature of the materials placed before this Court, the Court is inclined to protect the petitioners.



Let the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Danapur P.S. Case No. 43 of 2020 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Danapur 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.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.



And further condition that in course of investigation they will cooperate and the I.O. may as and when required interrogate themselves.

This application stands disposed of accordingly.

(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'.

