

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31654 of 2020

Arising Out of PS. Case No.-171 Year-2020 Thana- MANER District- Patna

1. Yogendra Rai, aged about 70 years old, Male, S/o Bira Rai,
 2. Leela Devi, aged about 60 years old, Female, W/o Yogendra Rai,
 3. Jata Rai, aged about 18 years old, Male, S/o Yogendra Rai,
 4. Lalan Rai, aged about 33 years old, Male, S/o Yogendra Rai,
 5. Sushma Kumari, aged about 19 years old, Female, D/o Yogendra Rai,
 6. Raju Kumar @ Raju Rai, aged about 30 years old, Male, S/o Yogendra Rai,
 7. Guddu Kumar, aged about 15 years old, Male, S/o Jitendra Rai,
- All resident of Village- Hulasi Tola, P.S.-Maner, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prabhakar Singh, Advocate
For the State	:	Mr. Shailendra Kumar Singh, APP
For the Informant	:	Mr. Chandan Kumar Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 26-02-2021

Heard Mr. Prabhakar Singh, learned counsel for the petitioners; Mr. Shailendra Kumar Singh learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Chandan Kumar Verma, learned counsel for the informant.

2. Learned counsel for the petitioners submitted that the petitioner no.1, Yogendra Rai, has been arrested and thus, he may be permitted to withdraw the same on his behalf. Accordingly, the application on behalf of petitioner no. 1,



Yogendra Rai, stands disposed off as withdrawn and is restricted to only petitioners no. 2 to 7.

3. The petitioners no. 2 to 7 apprehend arrest in connection with Maner PS Case No. 17 of 2020 dated 25.03.2020, instituted under Sections 304-B of the Indian Penal Code and 3/4 of the Dowry Prohibition Act, 1961.

4. The allegation against the petitioners, who are relatives of the husband of the deceased daughter of the informant, is of killing her.

5. Learned counsel for the petitioners no. 2 to 7 submitted that they are relatives of the husband of the deceased and have no role in her death as two years prior to the incident, there was partition by metes and bounds between the parties and the deceased and her husband were living separately/independently. Learned counsel submitted that even otherwise, they have no role in the relationship between the husband and the deceased. It was submitted that the petitioner no. 2 is the mother-in-law of the deceased; petitioners no. 3, 4 and 6 are the sons of petitioner no. 2 and brothers of the husband of the deceased; petitioner no. 5 is daughter of the petitioner no.2 and sister of the husband of the deceased, whereas, petitioner no. 7 is the cousin brother of husband of the



deceased and, thus, only because of the relationship they have been made accused.

6. Learned APP, from the case diary, submitted that the postmortem discloses ligature on the neck and the death has been caused due to asphyxia caused by strangulation.

7. Learned counsel for the informant submitted that the partition is sham and collusive. However, on a query of the Court that the same has been signed amongst others by the PACS Chairman, Up-Mukhiya, Up-Sarpanch besides others and the reason why they would risk themselves to wrongly save the petitioners, learned counsel did not have any reply.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within four weeks from today, the petitioners no. 3 (Jata Rai), 4 (Lalan Rai), 5 (Sushma Kumari), 6 (Raju Kumar @ Raju Rai) and 7 (Guddu Kumar) be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Danapur, Patna, in Maner PS Case No.171 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that one



of the bailors shall be a close relative of the petitioners, (ii) that the petitioners shall cooperate with the Court/police/prosecution. Failure to cooperate shall lead to cancellation of their bail bonds.

9. The prayer for pre-arrest bail of petitioner no. 2, Leela Devi is dismissed.

10. The application stands disposed off in the aforementioned terms.

11. However, if the petitioner no. 2 surrenders before the Court below and prays for bail within four weeks from today, the same shall be considered, on its own merit, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

J. Alam/-

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