

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31686 of 2020

Arising Out of PS. Case No.-191 Year-2020 Thana- SARAIYA District- Muzaffarpur

1. Abhay Kumar, (Male), aged about 37 years, son of Satya Vishnudeo Singh,
2. Bharti Sinha, (Female), aged about 42 years, wife of Abhay Kumar.
Both resident of Village - Repura, Rampur Bali, P.S.- Saraiya (Jaintpur O.P.),
District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Singh, Advocate
For the State : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 17-02-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Sanjay Singh, learned counsel for the petitioners and Mr. Surendra Prasad Singh, learned Additional Public Prosecutor (hereinafter after referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Saraiya (Jaintpur OP) PS Case No.191 of 2020 dated 22.03.2020 instituted under Sections 302 and 120-B of the Indian Penal Code.

4. The allegation against the petitioners is that they had killed the father of the informant, who was related to the petitioner no.1 and was also the father of the first husband of the



petitioner no. 2.

5. Learned counsel for the petitioners submitted that the allegations are totally false and concocted. It was submitted that though the death occurred on 16.03.2020, but the FIR was instituted only on 22.03.2020, which clearly shows that as part of some strategy and for oblique reasons the same was done. It was submitted that the petitioners are being targeted under false conception that they would take away part of the property of the deceased, who was the father of the informant and had four daughters and only one son, who was the first husband of the petitioner no.2. It was submitted that the petitioner no.1 also has no reason to kill the deceased as he was also an agnate and there was property in his share and, in fact, was taking care of the deceased as the informant and her three sisters were living in their matrimonial homes. Learned counsel submitted that the petitioners have no criminal antecedent.

6. Learned APP submitted that from the FIR and the order of the Court below it is clear that the death was not natural and was found to have been caused due to asphyxia. He submitted that the fact being that the petitioners were the persons, who took the deceased to the hospital, but on way, he died, as is reflected from the certificate issued by the concerned



hospital, *prima facie* and for the present, the finger of suspicion strongly points towards the petitioners as they were the persons, who took the deceased to the hospital but only on the intervention of the informant, the postmortem was done and further, only upon the postmortem revealing foul play, the FIR being lodged, such delay, for the present, cannot be said to be a pointer towards falsity of the allegation.

7. 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.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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