

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33427 of 2020

Arising Out of PS. Case No.-513 Year-2020 Thana- MADHAURAH District- Saran

Sunita Devi, Wife of Sri Anil Rai, resident of Village - Dayalpur, P.S. -
Marhawarra, District- Saran ... Petitioner

Versus

The State of Bihar ... Opposite Party

with

CRIMINAL MISCELLANEOUS No. 34736 of 2020

Arising Out of PS. Case No.-513 Year-2020 Thana- MADHAURAH District- Saran

MANOJ RAI, S/o Rajendra Rai, Resident of Village-Dayalpur, P.S.-
Marhawrrah, District-Saran ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

(In both the cases)

For the Petitioner : Mr. Ved Prakash Srivastva, Adv.

For the State : Mr. Murlidhar, APP

For the Informant : Mr. Shashank Chandra, Adv.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 22-06-2021 Both the cases arise out of same police station case number, hence, heard together and are being disposed off by this common order.

Heard the parties through video conferencing.

The petitioners seek pre-arrest bail in connection with Marhawrrah P.S. Case No. 513 of 2020, pending in the Court of the Chief Judicial Magistrate, Saran at Chapra, registered under Section 304B/34 of the Indian Penal Code.

The accusation is that the informant, Harendra Prasad, performed the marriage of his daughter, Lakhi Devi, before



eight years, in the year 2012, with Niroj Rai, son of Rajendra Rai of village Dayalpur. From the day of marriage, his daughter was being tortured through various modes for dowry. In the meantime, his daughter was blessed with three children out of which two were girls, aged about 5 and 4 years, and a son, aged about 3 months. Since before four months husband of the daughter of the informant was residing at Odisha. On 01.06.2020, in the night, the informant, Harendra Prasad, received information on telephone from Yogendra Rai of village Dayalpur about causing of assault of his daughter, then, informant, Harendra Prasad, went at the sasural house of his daughter and saw that his daughter is lying dead, while Rajendra Rai, father-in-law, mother-in-law, wife of Anil Rai, brother, Manoj Rai and other family members were not at the house. On query, he came to know that his daughter has been killed by strangulation.

Learned counsel for the petitioners submits that the Sunita Devi (petitioner of Cr. Misc. No. 33427 of 2020) is gotni and Manoj Rai (petitioner of Cr. Misc. No. 34736 of 2020) is brother-in-law of the deceased and all brothers of the husband of the deceased are living separately since 2014, but, with ulterior motive both the petitioners have been implicated in this case.



On perusal of the case diary, it appears that the deceased, Lakhi Devi, daughter of the informant, has died due to strangulation. The cause of death is asphyxia due to strangulation and the dead body was also found at her sasural house.

Having regard to the facts and circumstances of the case, I am not inclined to grant the privilege of pre-arrest bail to the petitioners. The prayer for pre-arrest bail is **rejected** with direction to the petitioners to surrender before the Court below and seek regular bail, which shall be considered by the trial Court on its own merit, without being prejudiced of this order.

(Rajendra Kumar Mishra, J)

Shamshad/-

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