

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33980 of 2020

Arising Out of PS. Case No.-16 Year-2020 Thana- MADHAURAH District- Saran

1. Fulmati Devi, aged about 61 years, (Female), W/o Shankar Mahto,
2. Rekha Devi, aged about 20 years (Female), W/o Murai Mahto,
3. Murari Mahto, aged about 25 years (Male), S/o Shankar Mahto.
All R/o village- Rampur- Khorampur, P.S.- Marhaura (Madhaura), Distt.- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar, Advocate
For the State	:	Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 20-05-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Vijay Kumar, learned counsel for the petitioners and Mr. Nagendra Prasad, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Marhaura (Madhaura) PS Case No. 16 of 2020 dated 08.01.2020, instituted under Section 304-B of the Indian Penal Code.

4. The allegation against the petitioners is of killing the daughter of the informant, who was the daughter-in-law of the petitioner no. 1.



5. Learned counsel for the petitioners submitted that the petitioner no. 1 is the mother-in-law, petitioner no. 3 is the son of the petitioner no. 1 and the petitioner no. 2 is wife of petitioner no. 3. It was submitted that the petitioners have no connection with the matrimonial affairs of the deceased and whatever happened was between the couple. It was submitted that the petitioners have no criminal antecedent. Learned counsel submitted that the allegation is general and omnibus of demanding dowry and all the family members have been made accused.

6. Learned APP, from the case diary, submitted that many witnesses have supported the prosecution story, including the local villagers. It was submitted that it has come that the deceased was tortured for dowry and further, that the petitioners' side tried to secretly burn the body, but the informant had come with the police and the body was sent for postmortem. It was submitted that the postmortem report also supports the fact of strangulation as marks have been found on the neck and there was darkening of the lips. Learned counsel submitted that the petitioners living in the matrimonial home and death occurring in the manner it has, in the matrimonial home, clearly indicates that the petitioners had a role in the incident.



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. Interim protection given to the petitioners under order dated 13.04.2021 stands vacated.

(Ahsanuddin Amanullah, J)

J. Alam/-

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