

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 35578 of 2020

Arising Out of PS. Case No.-539 Year-2019 Thana- KHAJEKALA District- Patna

Subodh Rai @ Subodh Kumar, Male, aged about 25 years, Son of Ram Kripal Rai, Resident of Jafarabad, PS - Raghopur (Rutampur OP), District- Vaishal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the Informant	:	Mr. Gajendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 02-08-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Pramod Kumar, learned counsel for the petitioner; Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State and Mr. Gajendra Kumar Singh, learned counsel for the informant.

3. The petitioner apprehends arrest in connection with Khajekalan PS Case No. 539 of 2019 dated 24.12.2019, instituted under Sections 304B, 201 and 120B/34 of the Indian Penal Code.

4. The allegation against the petitioner is that he, along with other members of the family of the deceased’s husband had



killed her by cutting the neck and also causing various cut injuries on other parts of the body.

5. Learned counsel for the petitioner submitted that he is the son of the sister of the husband of the deceased and had no connection with the affairs of the deceased. It was submitted that he lives in a different village. Further, learned counsel submitted that the petitioner does not have any criminal antecedent. It was submitted that the petitioner has no interest with regard to any dowry or other issues which the deceased may have had in the matrimonial home. It was further submitted that the father-in-law of the deceased has been granted anticipatory bail by a co-ordinate Bench.

6. Learned APP, from the case diary, submitted that witnesses have stated that all the family members of the husband of the deceased were involved in such gruesome crime, including the petitioner. It was submitted that from the manner in which the crime has been committed, it is obvious that it could not have been the work of only one person and, thus, in view of the petitioner being a young male person and very closely related to the husband of the deceased and the allegation made by the informant and other witnesses about his complicity, it cannot be ruled out that he was not party to the crime.



7. Learned counsel for the informant submitted that the petitioner being closely related to the husband of the deceased obviously cannot plead innocence. It was submitted that the husband of the deceased is still absconding and anticipatory bail petition of the elder brother of the husband of the deceased and mother-in-law of the deceased is still pending in the High Court and despite time being taken, the husband of the deceased has not surrendered.

8. 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 petitioner.

9. Accordingly, the petition stands dismissed.

10. Interim protection granted to the petitioner under order dated 25.06.2021, stands vacated.

(Ahsanuddin Amanullah, J.)

P. Kumar

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