

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4538 of 2021

Arising Out of PS. Case No.-207 Year-2020 Thana- KUDRA District- Kaimur (Bhabua)

1. Rampravesh Singh aged about 65 yrs, Male s/of Balkishun Singh
2. Anil Singh aged about 35 yrs, Male s/of Rampravesh Singh
3. Nunoo Singh aged about 24 yrs, Male S/o Ramprashan Singh
All resident of village- Chaukhada, PS- Kudra, District- Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gautam Kumar Yadav
For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-02-2021 Heard Mr. Gautam Kumar Yadav, learned counsel for the petitioners and Mr. Nawal Kishore Prasad, learned counsel appearing for the State.

At the very outset, learned counsel for the petitioners submits that during pendency of this application the petitioner no. 2 namely, Anil Singh has been arrested as such this application against him has become infructuous.

Learned counsel for the petitioners thus seeks permission to withdraw this application against the petitioner no. 2.

Permission is granted.

Accordingly, this application is dismissed as



withdrawn against the petitioner no. 2.

Insofar as petitioner nos. 1 and 3 are concerned, they apprehend their arrest in connection with Kudra P.S. Case No. 207 of 2020 registered for the offence under Sections 304(B), 201 / 34 of the I.P.C.

The allegation as per the First Information Report is that the daughter of the informant was married to the co-accused / Mangal Singh in the year 2017 and within 03 years of marriage the daughter of the informant has been killed by the accused persons including the petitioners due to non fulfillment of demand of dowry.

Learned counsel for the petitioners submits that petitioner nos. 1 and 3 have falsely been implicated in this case merely because they happens to be the family members of the husband of the deceased inasmuch as the petitioner no.– 1 is the cousin father-in-law of the deceased and petitioner no. – 3 is the brother of the husband of the deceased. Learned counsel next submits that the deceased has died due to illness during the course of treatment at Benaras and the dead body was cremated after giving information to the informant.

On the other hand, learned counsel for the State submits that there is allegation of demand of dowry against the



petitioners also and the petitioners have not given any reasonable justification of their innocence inasmuch as no material has been brought on record to show that treatment was given to the deceased by the accused persons. Learned counsel next submits that the dead body was also cremated secretly, the deceased has died in her matrimonial home within 07 years of the marriage and there is presumption against the accused persons under Section 113B of the Evidence Act.

Having regard to the submissions made by learned counsel for the parties and taking into consideration the materials available on record and the fact that the deceased has died within 07 years of marriage in her matrimonial home in suspicious circumstances, I am not inclined to grant the privilege of anticipatory bail to the petitioner nos. 1 and 3 and the same is accordingly rejected.

praful/-

(Anil Kumar Sinha, J)

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