

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1440 of 2021

Arising Out of PS. Case No.-683 Year-2019 Thana- BANKA District- Banka

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1. Bhawani Devi, (Female), aged about 55 years, wife of Anirudh Sah.
 2. Chandan Shah @ Chandan Kumar Sah (Male), aged about 35 years.
 3. Rohit Kumar @ Rohit Sah (Male) aged about 28 years, both sons of Anirudh Sah.
- All resident of Village - Parghari, P.S.- Dhoriya, Dist.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Najmul Hodda, Advocate
For the State	:	Ms Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 05-08-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioners on 30.07.2021, which was allowed.

3. Heard Mr. Md. Najmul Hodda, learned counsel for the petitioners and Ms. Pushpa Sinha, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

4. Learned counsel for the petitioners submitted that the petitioner no. 3 has been arrested and he may be permitted to withdraw the petition on his behalf. In view thereof, the petition on behalf of petitioner no. 3, Rohit Kumar @ Rohit Sah, stands



disposed of as withdrawn and is restricted to petitioners no. 1 and 2, namely, Bhawani Devi and Chandan Sah @ Chandan Kumar Sah.

5. The petitioners apprehend arrest in connection with Banka (Barahat) PS Case No. 683 of 2019 dated 23.09.2019, instituted under Sections 304-B/34 of the Indian Penal Code.

6. The petitioner no. 1 is the mother-in-law and petitioners no. 2 and 3 are the brothers of the husband of the deceased. The allegation against them is of being party to killing her as the body was found in a pond.

7. Learned counsel for the petitioners submitted that they are separate in mess and residence and have no connection with any foul play, if at all, it has taken place. It was submitted that the marriage took place six years prior to the incident and there are two minor children also born out of the wedlock and, thus, there was no occasion to commit such crime. Further, it was submitted that in the past there has been no complaint before any authority, though it has been mentioned in the FIR that there was demand for dowry and the victim was tortured, but without any supporting material. Learned counsel submitted that the pond was of the temple in the village and the deceased may have slipped and fallen in the pond leading to her death by



drowning, but there was no foul play, much less by the petitioners. It was submitted that the husband of the deceased is in custody since 23.09.2019. It was further submitted that the petitioners have no other criminal antecedent.

8. Learned APP submitted that the circumstances indicate the involvement of the petitioners and it appears that a crime was committed for the reason that they were family members of the deceased living in the same house and if the deceased had gone somewhere and had not returned, it was their duty to look for her or to intimate the police that she was missing and the informant, who lives somewhere else was informed at 11.00 AM and thereafter when he came, the body was still lying in the pond, which indicates that the petitioners were either totally not bothered or because of their role, had not intimated any authority. It was submitted that the natural conduct of a person would be that if any person of the household is missing, they would look for the person and would also inform the authorities, but in the present case, the victim having been out of the house for a long period and the body found in the village pond near the temple, it cannot be accepted they were unaware of such development for the reason that the informant came to know at 11.00 AM and then it must have



been taken some time for him to reach the village and when he came the body was still lying in the pond which clearly shows that the family of the husband of the deceased have much to explain as she was living in the matrimonial home.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds substance in the contention of learned APP. The conduct of the petitioners, as has been submitted by learned APP, does not inspire confidence with regard to their innocence.

10. For reasons aforesaid, the Court is not inclined to grant pre-arrest bail to the petitioners.

11. Accordingly, the petition stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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