

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13123 of 2021

Arising Out of PS. Case No.-128 Year-2020 Thana- MOHAMMADPUR District- Gopalganj

1. ARVIND PRASAD @ ARBIND RAUT Son of Deoraj Prasad Resident of Village - Amarpura, P.S.- Mohammadpur, District - Gopalganj
2. Kusum Kumari @ Kusum Kumir Wife of Arvind Prasad @ Arbind Raut Resident of Village - Amarpura, P.S.- Mohammadpur, District - Gopalganj
3. Dewanti Devi Wife of Deoraj Prasad Resident of Village - Amarpura, P.S.- Mohammadpur, District – Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Satyendra Rai
For the Opposite Party/s :	Mr.Sanjeev Nikesh
	Mr. Shyam Kishore
	Mr, Surendra prasad Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 22-02-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the State.

At the outset, the learned counsel for the petitioners has submitted that during the pendency of this petition, petitioner no.3, Dewanti Devi has been granted regular bail by the Court below on 17.09.2021. As such, this petition has become infructuous with respect to her. Accordingly, it is



dismissed as withdrawn with respect to petitioner no.3, Dewanti Devi.

So far as petitioner nos. 1 & 2 are concerned, they apprehend their arrest in connection with Mohammadpur P.S. Case No. 128/2020 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

Allegation against the accused persons is that after committing murder of the daughter of the informant, they had thrown the dead body of the deceased. It has been alleged that co-accused Birju Prasad and other accused persons, including the petitioners were subjecting to cruelty to the victim for non-fulfillment of the dowry demand of bullet motor cycle.

The learned counsel for the petitioners has submitted that it has specifically been mentioned that the husband Birju Prasad transmitted information to the native place of the deceased that she has died due to falling from stairs.

The learned Additional Public Prosecutor drew my attention towards paragraph nos. 4, 5 and 6 of the case diary, in which, the witnesses have supported the occurrence of torture to the deceased at the hands of the petitioners due to non-fulfillment of the dowry demand. The charge-sheet against the husband Birju Prasad has been submitted under Section 304



(B)/34 of the Indian Penal Code. The investigation against the petitioners is still going on.

Considering the above mentioned facts and circumstances, in my view, it is not a fit case for anticipatory bail and accordingly their prayer for anticipatory bail is rejected.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

Mahesh/Kamlesh

U		T	
---	--	---	--

