

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31278 of 2022

Arising Out of PS. Case No.-312 Year-2021 Thana- MAHESI District- East Champaran

1. SARYUG PRASAD CHAURASIYA Son of Binda Bhagat Resident of Village - Tarapakar, Police Station- Mehshi, District - East Champaran.
2. Sobha Devi Wife of Saryug Prasad Chaurasiya Resident of Village - Tarapakar, Police Station- Mehshi, District - East Champaran.
3. Rani Kumari Daughter of Saryug Prasad Chaurasiya Resident of Village - Tarapakar, Police Station- Mehshi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjay Kumar Tiwari, Advocate
For the Opposite Party/s :	Mr. Anuj Kumar Shrivastava, APP
For the Informant/s :	Bimlesh Kumar Pandey, Advocate
	Anjali Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 304(B), 201 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that his daughter was married to Rahul on 29.06.2020, after marriage the accused persons, including the petitioners were demanding motorcycle, further on



account of non-fulfillment of the dowry demand his daughter was killed.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that petitioner no.1 is father-in-law, petitioner no.2 is mother-in-law and petitioner no.3 is unmarried sister-in-law aged about 19 years. The learned counsel for the petitioners next submits that Mehshi P.S. Case No. 58 of 2022 dated 08.03.2022 was instituted by the grand-father of Rahul, alleging Rahul was abducted by present informant, it is next submitted that the said FIR arose from a complaint case dated 02.03.2022. The learned counsel for the petitioners next submits that as of date the dead body of the deceased has not been located or found, though in the FIR, it is alleged on basis of suspicion that the daughter might have been killed, it is next submitted that the daughter of the informant had fled and a false case came to be instituted and thereafter, the son-in-law of the informant is also missing as such the grand-father had instituted the aforesaid case alleging abduction.

Learned A.P.P. for the State and learned counsel



for the informant oppose the prayer for anticipatory bail of the petitioners and submit that present FIR was instituted on 27.12.2021 and nearly three months, thereafter a complaint case came to be instituted on 02.03.2022 by the grandfather of Rahul based on which Mehshi P.S. Case No. 58 of 2022 dated 08.03.2022 was instituted, alleging that Rahul has been abducted, it is thus submitted that Mehshi P.S. Case No. is nothing but was instituted by way of afterthought to cover the allegations as alleged in Mehshi P.S. Case No. 312 of 2021 i.e., the present FIR.

Learned counsel for the petitioners rebuts the submissions of the learned counsel for the informant and submits that even from perusal of the allegations as alleged in the FIR, it would manifest that the allegations as far as these petitioners are concerned, is general and omnibus in nature, it is next submitted that it is the duty of the husband to ensure that the wife is treated with honour and dignity.

Considering the submissions made by the learned counsel for the petitioners, the petitioner nos. 2 and 3, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released



on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Mehsi P.S. Case No. 312 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The Court is not inclined to extend the privilege of anticipatory bail to petitioner no.1 and thus his anticipatory bail application is rejected.

At this stage, the learned counsel for the petitioners submits that petitioner nos. 2 and 3 will also co-operate in the investigation and will present themselves as and when required by the Investigating Officer of the case. The Court takes the undertaking of the learned counsel for the petitioners on behalf of petitioner nos. 2 and 3 very seriously.

The Superintendent of Police, East Champaran, is directed to ensure that a fair investigation is carried out in the case seriously to find out as to whether the deceased has really died or has fled, as submitted by the learned counsel for the petitioners and Rahul has been abducted or it is a



camouflage adopted by the grand-father of Rahul to save him.

The Court hopes that the Superintendent of Police will take up the investigation seriously and will investigate.

Let a copy of this order be sent to the Superintendent of Police, East Champaran at Motihari, forthwith for his perusal and necessary action.

(Satyavrat Verma, J)

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