

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70912 of 2021

Arising Out of PS. Case No.-87 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. PRAMILA DEVI @ URMILA DEVI WIFE OF KESHAV KUNWAR
 2. KESHAV KUNWAR SON OF LATE SHANKAR KUNWAR
BOTH ARE RESIDENTS OF MOHALLA, BARA TOLA BASATPUR, P.S-
MUFASSIL, TOWN AND DIST- EAST CHAMPARAN, MOTIHARI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Adv.

For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 09-02-2022 Heard learned counsel for the parties through video
conferencing.

Let the order dated 12.1.2022 passed in the instant
application which has been wrongly typed as order no.4 be read
as order no.2.

The petitioners have preferred this application for
grant of anticipatory bail apprehending their arrest in connection
with Mufassil (Motihari) P.S. Case no.87 of 2019 registered
under sections 304B, 201 and 34 of the Indian Penal Code.

As per the prosecution case, the sister of the informant
was married to the son of the two petitioners herein on
27.4.2018. It is stated that the valuable goods as described in the



F.I.R. were given by way of gifts at the time of marriage. However, soon after the marriage, the accused persons started demanding Scorpio vehicle and also started to physically and mentally torture the sister of the informant. The husband of the informant's sister, who was posted at Hyderabad, was not keeping his wife at his place of posting stating that he would permit her to stay there only after she gets the Scorpio vehicle. The informant continued to pay some amounts to save his sister, however on 6.3.2019, at about 3 p.m., information was received that the accused persons including the petitioners herein strangled informant's sister and killed her.

It is submitted by learned counsel for the petitioners that the earlier application for anticipatory bail of the petitioners was withdrawn vide order dated 13.10.2020 passed in Cr. Misc. no.17759 of 2020 for the reason that as per the instructions received, it was expected that the police would be submitting final form. On merits, it is submitted that it transpired in course of investigation that the death of the deceased took place in her naihar and the petitioner relies on the statement of the witnesses recorded between paragraph nos. 122 to 130 of the case diary. The petitioners are the old mother-in-law and father-in-law of the deceased and they have no criminal antecedent.



The application for bail is opposed by learned A.P.P.
for the State.

Having heard learned counsel for the parties and
from the materials on record, it transpires that the earlier
application for anticipatory bail of the two petitioners was
rejected vide order dated 13.10.2020 passed in Cr. Misc.
no.17759 of 2020. So far as the statement of the witnesses
recorded in course of investigation is concerned, the same were
recorded much after withdrawing of the said application ie on
14.3.2021. There is direct allegation against the petitioners in
the F.I.R. as also the witnesses whose statements have been
recorded in course of investigation have supported the
prosecution case.

In view of the facts and circumstances of the case, the
application for grant of anticipatory bail of the petitioners is
rejected.

The petitioners are directed to surrender in the learned
court below within three months from today.

(Partha Sarthy, J)

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