

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23184 of 2023

Arising Out of PS. Case No.-58 Year-2022 Thana- NOKHA District- Rohtas

1. Radhika Kuwer W/O Late Ramayan Sharma,
2. Binda Kuwer W/O Hare Ram Sharma,
Both resident of Village- Tendua, P.S.- Nokha, District- Rohtas.
- Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Krishna, Advocate
For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-05-2023 The petitioners seek pre-arrest bail in connection with

Nokha P.S.Case No.58/2022, G.R.No.398/2022 registered for

the offences punishable under Sections 304(b), 120(b), 201, 363

and 365 of the Indian Penal Code.

Prosecution story, in brief, is that for non-fulfilment of

dowry, family members of in-laws of the deceased had

committed murder and disposed of the dead-body of the

deceased as well as made disappear her two minor children.

Deceased is daughter of the informant.

Mr. Gopal Krishna, learned counsel appearing on

behalf of the petitioner submits that the allegation against the

petitioners is not specific. Immediately before the date of

murder i.e. on 03.03.2022, the daughter (deceased) of the

informant was residing along with him and she was suffering



from some disease and ultimately on 03.03.2022 she died. There is no question of disappearing dead-body of the deceased. Both minor children are living with the petitioner no.1, against whom there is direct allegation that she used to assault the deceased for non-fulfillment of the dowry and finally she along with the other co-accused persons had committed murder of the deceased. Petitioners have no criminal antecedent.

Mr. Rajesh Kumar Singh, learned counsel appearing on behalf of the informant submits that the petitioners had not only committed murder of the deceased along with the other co-accused persons named in the FIR rather both the petitioners are involved in disappearing the dead-body of the deceased after committing murder.

Learned APP for the State has supported the submissions as made on behalf of the informant.

Having considered the rival submissions made by the parties, it appears that the deceased just before the murder used to live along with her father (informant) and for the purpose of performing certain rituals, she had come back to her matrimonial home willingly and all of a sudden on 03.03.2022 she died, about which information was given to the informant by the husband of the deceased and after receiving said



information, the present FIR has been lodged alleging that the dead-body of the deceased has been disappeared, however, the dead-body was recovered. Both minor children are living along with the petitioner no.1. So far allegation against the petitioner no.2 is concerned, she is a married daughter of the petitioner no.1 and she lives with her husband in another village.

Considering the fact that petitioner no.1 is the old lady and the petitioner no.2 is residing along with her husband in another village, I am of the opinion that general and omnibus allegation has been levelled against both the accused persons. Both petitioners are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Nokha P.S.Case No.58/2022, G.R.No.398/2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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