

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32516 of 2023

Arising Out of PS. Case No.-841 Year-2022 Thana- SIKARPUR District- West Champaran

1. Radhe Shyam Mishra S/O Late Ramnarayan Mishra @ Late Ramnarayan R/O Village- Rampur, P.S- Shikarpur, Distt.- West Champaran.
2. Sangita Devi W/O Radhey Shyam Mishra R/O Village- Rampur, P.S- Shikarpur, Distt.- West Champaran.
3. Vijay Mishra @ Vinay Kumar S/O Radhey Shyam Mishra R/O Village- Rampur, P.S- Shikarpur, Distt.- West Champaran.
4. Santosh Kumar @ Santosh Mishra S/O Sudama Mishra R/O Village- Chanyanbandh (Pakari), P.S- Majhaulia, Distt.- West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Sanjeev Kumar, Advocate Mr. Raushan Raj, Advocate
For the State	:	Mr. Raj Ballabh Singh, APP
For the Informant	:	Mr. Rajendra Narain, Sr. Advocate Mr. Akhileshwar Kumar Shrivastava, Advocate Mr. Amrit Kirti, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioners, learned senior counsel for the informant and learned APP for the State.

2. The petitioners in the present case are the father-in-law, mother-in-law, brother-in-law (younger brother of the husband) and maternal father-in-law of the deceased. They are seeking pre-arrest bail in connection with Shikarpur P.S. Case No. 841 of 2022 registered under Section 304B/201/34 IPC arising out of an order under Section 156(3) Cr.P.C. passed by learned C.J.M., Bettiah in Complaint Case No. 1906 of 2022. These petitioners have got fair antecedent.



3. As per the prosecution story, the informant alleged that after the marriage of her daughter, her husband and her in-laws started demanding dowry and upon non-fulfillment of the same, they tortured her. On 02.08.2022, these petitioners surrounded her daughter and pressurized her to put signature on a blank paper but when the deceased refused to do so, Vinay Mishra (petitioner no. 4), who is her devar, assaulted on her abdomen as a result of which she started bleeding and during her treatment, she died.

4. Learned counsel for the petitioners submits that the deceased was having a happy conjugal life, she had been carrying a pregnancy and it would appear from the materials available on the record that she was under regular check-up and advice of one Dr. Annu Rani and on her advice, Ultrasonography was conducted on 14.06.2022 in which the estimated date of delivery was indicated as 08.08.2022 (+/- 15 days). The single live fetus was aged about 32 weeks 01 day.

5. It is further submitted that she was admitted in the Hospital for delivery on 02.08.2022 where she delivered a baby in healthy condition but during delivery, she developed some health issues and for that reason, she was referred to Bettiah. It is submitted that the Doctor while referring the deceased to



Bettiah recorded that the patient got Eclampsia attack after operation.

6. Learned counsel further submits that unfortunately the lady did not survive. Thereafter, she was cremated on 02.08.2022 in presence of the family members of the deceased but 21 days thereafter a complaint case was presented in the court of learned C.J.M. which was not even supported by an affidavit but it was referred under Section 156(3) Cr.P.C. for registration of a police case and investigation.

7. Learned counsel further submits that on bare perusal of the complaint petition, it would appear that the informant admits about his knowledge about the Shradh Karam of his daughter on 14.08.2022 but for all these days he did not lodge any FIR with Police. No communication was sent under Section 154(3) Cr.P.C. to the Superintendent of Police. These are the facts indicating that the present case has been lodged by way of an after-thought.

8. Mr. Rajendra Narain, learned senior counsel for the informant has opposed the prayer for anticipatory bail of the petitioners. It is his submission that the daughter of the complaint/informant was assaulted by her *devar* for non-fulfillment of the demand of dowry.



9. Having heard learned counsel for the parties and the State as also upon noticing the submissions mentioned hereinabove wherein it appears from the materials on record that the present case has been lodged on the basis of a complaint which was presented 21 days after the alleged occurrence and at least 9 days after the admitted knowledge of the complainant/informant and the death certificate of the deceased is showing that she died in M.J.K. Medical College, Bettiah, West Champaran, further it is noticed that she had delivered a healthy baby and post cesarean operation, she had developed some complications whereafter she was referred to the Hospital but could not survive, these petitioners are the close kith and kin of the husband of the deceased and their submission is that they have been falsely implicated, one of them who is maternal uncle-in-law is said to be an Engineer working at Gurgaon, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 841 of 2022, subject to the conditions as laid down under Section



438(2) of the Cr.P.C.

10. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

11. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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