

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35420 of 2023

Arising Out of PS. Case No.-55 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

1. ALKA KUMARI D/o- Ashok Srivastava, Wife of Late Randhir Kumar Mohalla- New Chandmari, Ward No-25, Near Maa Tara Bhawan Ps- Motihari Town Dist- E.Champaran at present C/o- Subodh Gupta, Near Shanti Niketan School, Jay Prakash Nagar, Bairiya Ps- Bairiya Dist- Muzaffarpur
2. Amit Kumar son of Ashok Srivastava Mohalla- New Chandmari, Ward No-25, Near Maa Tara Bhawan Ps- Motihari Town Dist- E.Champaran at present C/o- Subodh Gupta, Near Shanti Niketan School, Jay Prakash Nagar, Bairiya Ps- Bairiya Dist- Muzaffarpur
3. Ashok Srivastava son of Late Satyadeo Prasad Mohalla- New Chandmari, Ward No-25, Near Maa Tara Bhawan Ps- Motihari Town Dist- E.Champaran at present C/o- Subodh Gupta, Near Shanti Niketan School, Jay Prakash Nagar, Bairiya Ps- Bairiya Dist- Muzaffarpur
4. Poonam Srivastava wife of Ashok Srivastava Mohalla- New Chandmari, Ward No-25, Near Maa Tara Bhawan Ps- Motihari Town Dist- E.Champaran at present C/o- Subodh Gupta, Near Shanti Niketan School, Jay Prakash Nagar, Bairiya Ps- Bairiya Dist- Muzaffarpur
5. Ashwini KUMari wife of Amit Kumar Mohalla- New Chandmari, Ward No-25, Near Maa Tara Bhawan Ps- Motihari Town Dist- E.Champaran at present C/o- Subodh Gupta, Near Shanti Niketan School, Jay Prakash Nagar, Bairiya Ps- Bairiya Dist- Muzaffarpur
6. Atul Kumar son of Lalan Singh Mohalla- New Chandmari, Ward No-25, Near Maa Tara Bhawan Ps- Motihari Town Dist- E.Champaran at present C/o- Subodh Gupta, Near Shanti Niketan School, Jay Prakash Nagar, Bairiya Ps- Bairiya Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 21-07-2023 1. Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.



2. This application, for grant of anticipatory bail, arises out of Motihari Town Police Station Case No. 55 of 2023, disclosing offences punishable under Sections 323/302/406/420/504/506/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report lodged by the mother-in-law of the petitioner no. 1, is that the son of the complainant-informant was Software Engineer in Cognizant Company and was residing at Chennai, along with his wife-petitioner no. 1. On 10.07.2020, the complainant-informant got information that her son had died due to heart attack. The dead body was brought to Motihari and cremation was also performed there and after watching the behaviour of the petitioners, the informant suspected that her son has not died due to heart attack, rather he has been killed by the accused persons. On the basis of the aforesaid allegation, Complaint Case No. 1032 of 2021 was filed by the complainant on 08.07.2021, which was later on converted into First Information Report, bearing Motihari Town Police Station Case No. 55 of 2023.
4. Learned Counsel for the petitioners submits that the petitioner no. 1 is the daughter-in-law of the complainant-



informant and the present case has been lodged with oblique motive in order to grab the property left behind by the deceased son of the complainant-informant. He further submits that the death of the son of the complainant-informant had taken place on 10.07.2020 at Chennai and accordingly, Pallikarni Police Station Case No. 1203 of 2020 was lodged at Chennai and the post mortem examination of the dead body of the son of the complainant-informant was also conducted by the doctors at Chennai, in which the cause of death is due to heart failure. After the death of the son of the complainant-informant, the petitioner no. 1 came to reside at her matrimonial home at Motihari where the complainant-informant tortured her for money, due to which she has lodged Complaint Case No. 902 of 2021 against the complainant-informant, under Sections 498-A/406/34 of the Indian Penal Code on 11.06.2021 and after lodging of the complaint by the petitioner no. 1, the present case has been instituted based upon concocted story. Upon bare perusal of the same, it would be evident that the complainant-informant has stated about the flat, having been captured by the petitioner no. 1. The petitioner nos.



2 to 5 are the brother, father, mother, sister-in-law and close relative of the petitioner no. 1.

5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that for the death of the son of the complainant-informant, Pallikarni Police Station Case No. 1203 of 2020 was lodged at Chennai, in which the doctor has found the death due to heart failure and after lapse of one year, the present complaint -cum- First Information Report has been lodged by the complainant-informant relating to the death of her son, which has taken place on 10.07.2020 and that too after lodging of the complaint by the petitioner no. 1 for the offences under Sections 498-A/406/34 of the Indian Penal Code, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail 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, East



Champaran, at Motihari, in connection with Motihari
Town Police Station Case No. 55 of 2023, subject to the
condition laid down under Section 438 (2) of the Code of
Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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