

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36288 of 2023

Arising Out of PS. Case No.-177 Year-2017 Thana- RIVILGANJ District- Saran

1. PANKAJ @ PANKAJ KUMAR YADAV S/O AWADH KISHORE RAI R/O Vill-Inai (Mubarakpur), P.S.-Rivilganj, Distt-Saran
2. DEEPAK @ DEEPAK KUMAR YADAV @ DEEPAK KUMAR S/O AWADH KISHORE RAI R/O Vill-Inai (Mubarakpur), P.S.-Rivilganj, Distt-Saran
3. DIPU DEVI W/O DEEPAK RAI R/O Vill-Inai (Mubarakpur), P.S.-Rivilganj, Distt-Saran
4. SAVITRI DEVI W/O AWADH KISHORE RAY R/O Vill-Inai (Mubarakpur), P.S.-Rivilganj, Distt-Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 43372 of 2023

Arising Out of PS. Case No.-177 Year-2017 Thana- RIVILGANJ District- Saran

NIRAJ RAI @ NIRAJ KUMAR YADAV S/O AWADH KISHORE RAY R/O Village- Inai (Mubarakpur), PS. Revilganj, Distt. Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 36288 of 2023)

For the Petitioner/s : Mr. Nagendra Prasad Yadav No.1

For the Opposite Party/s : Mr. Md. Mushtaque Alam

(In CRIMINAL MISCELLANEOUS No. 43372 of 2023)

For the Petitioner/s : Mr. Nagendra Prasad Yadav No.1

For the Opposite Party/s : Mr. Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-07-2023 Since both the applications arise out of Revilganj

Police Station Case No. 177 of 2017, at the request of the parties

both are heard together and are disposed by this common order.



Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Revilganj Police Station Case No. 177 of 2017, dated 28.07.2017/G.R. No. 5178 of 2017, disclosing offences under Sections 302/201/34 of the Indian Penal Code.

The prosecution case, on the basis of the First Information Report, is that the sister of the informant, namely, Rinku, was married to the petitioner, namely, Neeraj Rai, and two children were born out of the wedlock. It has further been alleged that after marriage, accused persons started misbehaving with the informant's sister and on 23.07.2017, in the night, quarrel took place between the informant's sister and the petitioners, information for which was given by the informant's sister to informant, but in the same night the accused persons killed the sister of the informant and disposed her body clandestinely.

Learned Counsel for the petitioners submits that the petitioners are husband and in-laws of the deceased. He further submits that there is inordinate delay in lodging the First Information Report inasmuch as the occurrence has taken place on 23.07.2017, but the First Information Report has been lodged



after cremation on 28.07.2023. He next submits that there is no allegation of demand of dowry and torture due to non-fulfillment of dowry demand in the First Information Report. During the course of investigation, the statement of the son of the deceased was recorded by police under Section 164 of the Cr.P.C in which the son has said that her mother was not being tortured by his father and other family members and she had died to due to dehydration and vomiting. He further submits that the police after investigation has submitted final report as “mistake of fact” not refering the matter of the petitioners for trial, however, learned Magistrate has differed with the final form report and taken cognizance against the petitioners.

Regards being had to the submissions made on behalf of the parties and taking into consideration the statement of the child witness recorded under Section 164 of Cr.P.C and the fact that police has submitted final form not sending the petitioners for trial, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs.



10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Saran at Chapra, in connection with Bahera Police Station Case No. 256 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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