

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48341 of 2023

Arising Out of PS. Case No.-114 Year-2023 Thana- SURSAND District- Sitamarhi

1. ANJALI KUMARI @ ANJANI KUMARI D/o Jitan Rai Resident of village - Amana, P.S. - Sursand, Distt. - Sitamarhi
2. Manju Devi Wife of Jitan Rai Resident of village - Amana, P.S. - Sursand, Distt. - Sitamarhi
3. Jitan Rai Son of Parsuram Rai Resident of village - Amana, P.S. - Sursand, Distt. - Sitamarhi
4. Babloo Kumar Son of Jinish Rai @ Ramjinish Yadav Resident of village - Madhurapur, P.S. - Bajpatti, Distt. - Sitamarhi
5. Gambhira Devi @ Rampur Wali Wife of Jinish Rai @ Ramjinish Yadav Resident of village - Madhurapur, P.S. - Bajpatti, Distt. - Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dinesh Jha
For the State	:	Mr.Ganesh Prasad Singh
For the informant	:	Ms. Ruchi Acharya

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 23-08-2023 1. Heard learned Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor for the State, through Video Conferencing.
2. This application, for grant of anticipatory bail, arises out of Sursand Police Station Case No. 114 of 2023, dated 05.03.2023, disclosing offences under Sections 304-B/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that the daughter of the informant (now deceased) was



married to the son of the petitioner nos. 2 and 3 in the year 2021 and the petitioners, along with other co-accused persons, demanded dowry from the daughter of the informant and due to non-fulfillment of the same, the petitioners and their family members killed the deceased by pressing her neck.

4. Learned Counsel for the petitioners submits that the petitioner no. 1 is the unmarried sister-in-law of the deceased, petitioner nos. 2 and 3 are the mother-in-law and father-in-law of the deceased and petitioner nos. 4 and 5 are maternal uncle and maternal grand mother-in-law of the deceased, and they have falsely been implicated in this case along with other family members. The deceased has committed suicide.
5. On the other hand, learned Counsel for the informant opposes the prayer for anticipatory bail and submits that the petitioners have specifically been named in the First Information Report and the marriage of the son of the petitioner no. 2 and 3 was solemnized with the deceased on 23.05.2021, and within two years of marriage, the deceased has been killed in her matrimonial home. She further submits that as per Section 113-B of the Evidence



Act, there is presumption against the petitioners for committing the present offence, but the petitioners have failed to discharge their prima facie responsibility of their innocence and has not given any reasonable explanation for the death of the deceased in the house of the petitioners.

6. After having heard learned Counsel for the parties concerned and taking into consideration the materials on record and the fact that the deceased died unnatural death within seven hours of marriage in her matrimonial home, I am not inclined to grant the petitioner nos. 2 and 3 privilege of anticipatory bail.
7. This application is, accordingly, dismissed so far as petitioner nos. 2 and 3 are concerned.
8. Considering the fact that the petitioner no. 1, 4 and 5 are the unmarried sister-in-law, maternal uncle and maternal grand mother-in-law of the deceased, I am inclined to grant them privilege of anticipatory bail.
9. This application, so far as petitioner nos. 1, 4 and 5 are concerned, is allowed.
10. Let the petitioner no. 1, 4 and 5, 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 Sub Divisional Judicial Magistrate, Pupri, at Sitamarhi, in connection with Sursand Police Station Case No. 114 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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