

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50879 of 2023

Arising Out of PS. Case No.-252 Year-2022 Thana- SILAO District- Nalanda

SUNITA DEVI Wife of Raju Prasad Resident of Village - Eksari, P.S. - Silao,
Distt. - Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 51377 of 2023

Arising Out of PS. Case No.-252 Year-2022 Thana- SILAO District- Nalanda

1. GUDDU KUMAR @ GUDDU PRASAD SON OF LATE RAJENDRA YADAV RESIDENT OF VILLAGE - DUMARI, P.S. - RAJGIR, DISTRICT - NALANDA
2. RAHUL YADAV @ RAHUL PRASAD SON OF SUKHDEV PRASAD @ SUKHDEV YADAV RESIDENT OF VILLAGE - DUMARI, P.S. - RAJGIR, DISTRICT - NALANDA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. PREMSHILA DEVI WIFE OF RAVINDRA PRASAD RESIDENT OF
VILLAGE - JAMUARA, P.S. - CHIKSAURA, DISTRICT - NALANDA

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 50879 of 2023)

For the Petitioner/s : Mr. Ajay Kr. Thakur, Advocate

: Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

(In CRIMINAL MISCELLANEOUS No. 51377 of 2023)

For the Petitioner/s : Mr. Ajay Kr. Thakur, Advocate

: Mrs. Vaishnavi Singh, Advocate

: Mr. Ritwik Thakur, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

4 08-11-2023 1. Heard learned Counsel for the petitioners and
learned APP for the State.



2. These applications, for grant of anticipatory bail, arises out of Silao PS case no. 252 of 2022, disclosing offences punishable under Sections 494, 498(A), 302, 201, 120(B), 363, 365, 304(B)/34 of the Indian Penal Code.

3. The prosecution story, as per the First Information Report dated 08.11.2022 lodged by the mother of the deceased, is that on 10.06.2019, the informant's daughter Simpi Kumari got married with one Raju Prasad but after some time, said Raju Prasad started making dowry demand of a four-wheeler. Accordingly, a complaint case no. 342(c) of 2021 under various sections of the Indian Penal Code including Section 498A was lodged by the daughter of the informant. It has further been stated that informant's daughter, thereafter, started living at her parental home and after some time, she came to know that Raju Prasad has performed second marriage with the petitioner, for which, the daughter of the informant lodged another case bearing Mahila PS case no. 124 of 2021. On the occasion of Dussehra, in the year 2022, accused persons namely Mahendra Prasad, Sakunti Devi, Balmiki Yadav called the daughter of the informant for resolving the matrimonial dispute and they assured that she would not face any problem and she would stay in her husband's house at Eksari, accordingly, the informant sent



her daughter to her sasural along with the aforesaid accused persons. On 04.11.2022, informant came to know that accused persons namely Raju Prasad, Pankaj Kumar, Mahadeo Devi, Sunita Devi (petitioner in Cr. Misc. no. 50879 of 2023) and Rahul Prasad and Guddu Prasad (petitioners in Cr. Misc. no. 51377 of 2023) had killed her daughter and had concealed the dead body. On 07.11.2022, the informant was informed that a dead body was lying near Makauna village and the informant identified the dead body as her daughter's body, face of whom burnt with acid. The dead body was sent for post-mortem from Sadar hospital, Bihar Sharif to Patna. The two years old daughter of the deceased was also missing. The informant has claimed that due to non-fulfilment of the demand for dowry, her daughter has been killed.

4. Mr. Ajay Kumar Thakur, learned Counsel for the petitioners submits that the petitioners have been made accused on the basis of suspicion only and there is no cogent material on record to connect the petitioners with the alleged crime. Learned counsel for the petitioners further submits that the F.I.R. has been lodged after preparation of the inquest report and post-mortem of the dead body was conducted on 07.11.2022. It is next submitted that the petitioners have falsely been



implicated in the present case with a pre-determined mind, after post-mortem of the dead body, due to the fact that there was a previous dispute between the deceased and her husband i.e. co-accused Raju Prasad, for which, two other cases were filed, as would be evident from the First Information Report. It is also submitted that the petitioner is first wife of co-accused Raju Prasad and he further disputes the factum of marriage of deceased with co-accused Raju Prasad. Learned counsel also submits that after investigation, police has submitted charge-sheet only under Sections 364 and 365 of the Indian Penal Code because the dead body was not identified properly and that the police has sent the tissues of the deceased for D.N.A. test, report of which is still awaiting. Lastly, it is submitted that from F.I.R., it is apparent that the deceased was residing in her parental home since long and the dead body of the deceased was found lying near the river, situated in the vicinity of her parental home.

5. On the other hand, learned counsel for the State and learned counsel for the informant have vehemently opposed the prayer for bail and submit that all accused persons, with common intention, had killed the informant's daughter and thrown the dead body, which was identified by the family



members of the informant They further submit that police, during the course of preparation of supervision note, has opined that there is likelihood that charge-sheet would be submitted against the petitioners under Section 304B including other sections of the Indian Penal Code. Learned counsel next submit that post-mortem report has fully supported the factum of First Information Report.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the totality of the circumstances of the present case and the fact that only suspicion has been raised in the F.I.R. and no cogent material has been brought on record to connect the petitioners with the alleged offence and police has yet not submitted charge-sheet under Section 302 of the Indian Penal Code, further F.I.R. has been lodged after the postmortem report dated 07.11.2022, I am inclined to grant the privilege of anticipatory bail to the petitioners.

6. This application is, accordingly, allowed.

7. Let petitioners, abovenamed, 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Biharsharif, Nalanda in connection with Silao PS case no. 252 of 2022,



subject to the condition laid down under Section 438 (2) of the
Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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