

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55015 of 2023

Arising Out of PS. Case No.-27 Year-2023 Thana- RANIYATALAB District- Patna

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1. ARUN KUMAR S/O KESHAV PRASAD SINGH RESIDENT OF VILLAGE- KHARAGPURA, P.S.- RANI TALAB, DISTRICT- PATNA
 3. VIMLA DEVI W/O ARUN KUMAR RESIDENT OF VILLAGE- KHARAGPURA, P.S.- RANI TALAB, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Kumar Singh

For the Opposite Party/s : Mr. Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-08-2023 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners submits that during the pendency of this application, the petitioner no. 1, namely, Arun Kumar, was arrested, and as such, this application, in respect of the petitioner no. 1, has now become infructuous.

The application, in respect of the petitioner no. 1, is dismissed as having become infructuous.

This application, for grant of anticipatory bail, on behalf of the petitioner no. 2, arises out of Rani Talab Police Station Case No. 27 of 2023, disclosing offences under Sections 304(B)/34 of the Indian Penal Code.



The prosecution case, on the basis of the First Information Report, is that the sister of informant, was married to co-accused Nishant Raj on 30.06.2020. It has further been alleged that after some time all the accused persons started torturing the informant's sister for dowry and demanded ornaments, utensils, etc. and due to non-fulfillment of the demand, the accused persons has killed the informant's sister.

Learned Counsel for the petitioners, on behalf of the petitioner no. 2, submits that the petitioner is mother-in-law of the deceased and she has falsely been implicated in this case, along with other family member. He further submits that from perusal of the First Information Report, it would be evident that the deceased had informed her brother that the accused persons were demanding ornaments, utensils, etc. and on their demand, she has given it to them. As such, there is no possibility that the informant's sister would be killed, when the demands of the accused persons were fulfilled. He next submits that the deceased has committed suicide by hanging herself.

On the other hand, learned counsel for the informant vehemently opposes the prayer for bail and submits that within three years of marriage, the informant's sister has died in her matrimonial home and from the very beginning, the



accused persons started demanding dowry and tortured the informant's sister and on 27.11.2022 i.e. a few months before the date of death of the deceased, the informant had made a complaint before the Station House Officer of the concerned police station, who called both the parties, in which accused persons had given undertaking that they would keep the informant's sister with dignity and would not torture her.

Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the deceased has died in her matrimonial home within three years of marriage, there is close proximity between demand of dowry, torture and death of the deceased in her matrimonial home and there is presumption under Section 113(A)/113(B) of the Evidence Act, accordingly, I am not inclined to grant the petitioner no. 2, who is mother-in-law of the deceased, privilege of anticipatory bail.

This application, in respect of the petitioner no. 2, is dismissed.

(Anil Kumar Sinha, J)

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