

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54471 of 2022

Arising Out of PS. Case No.-127 Year-2021 Thana- PANDARAK District- Patna

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1. Chhotu Kumar @ Pintu Kumar Son Of Karu Rai @ Ashlok Rai @ Karu R/O Village- Mekra, Nayatola, P.S.- Mokama, Distt.- Patna
 2. Guddu Kumar Son Of Yashwant Rai R/O Village- Mekra, Nayatola, P.S.- Mokama, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun, Advocate
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, APP
For the Informant	:	Mr. Arvendra Kumar Thakur, Advocate
		Mr. Prem Ranjan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

11 25-08-2023 1. Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Pandarak P.S. Case No. 127 of 2021 registered for the offences punishable under Sections 498(A), 363, 364 and 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. Shri Chandra Bhushan Prasad, the learned A.P.P. for the State at the outset submits that by order dated 20.07.2023, the Senior Superintendent of Police, Patna had sought three weeks' time to personally investigate the matter and to bring the facts on record. In compliance of the order



dated 20.07.2023, a supplementary counter affidavit on behalf of the SSP, Patna has been filed. It is next submitted that during the course of investigation it transpired that the deceased died at her parental home and her husband was not present at the place of occurrence but was informed by someone that his wife has consumed poison. Accordingly, he came and requested his father-in-law and other family members to take his wife to the hospital but then it appears that no one was interested as such he made a call to the father of petitioner no.1 who sent petitioner no.1 along with Guddu (petitioner no.2) to the place of occurrence. It is further submitted that thereafter they took the deceased for treatment but then she had died by then. The learned A.P.P. thus submits that what has transpired during the course of investigation when the SSP, Patna himself took interest in the case is that the father and family member of the deceased were aware that she has died but still a misleading FIR was instituted wherein it was alleged that the victim is still missing.

4. Learned counsel appearing for the petitioner submits that from the tenor of the investigation as carried out by the SSP, Patna it would manifest that it was within the knowledge of the family members of the deceased that she was



no more and had left for heavenly abode but then concealing the correct fact, the FIR came to be instituted. It is further submitted that husband of the deceased has been taken into custody and the petitioner number no.1 who is brother of brother-in-law of the husband of the deceased had merely accompanied the husband of the deceased with the victim for treatment. It is also submitted that petitioner no.2 is related to petitioner no.1, it is thus submitted that petitioners absolutely had no motive for committing the occurrence when it has transpired during the course of investigation that the victim had already consumed poison at her parental home when they were not even present at the place of occurrence.

5. Learned counsel for the informant opposes the prayer for anticipatory bail of the petitioners but is not in a position to rebut the submissions of the learned counsel for the petitioner and the learned A.P.P. for the State that during the course of investigation it has transpired that the family members of the victim were aware about her death and that she had consumed poison at her parental home.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Pandarak P.S. Case No. 127 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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