

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60169 of 2023

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

1. Maha Devi @ Mahadev Devi W/O Mahenddra Prasad
2. Mahendra Prasad S/O Late Kailu Prasad
Both R/O Village- Eksari, Ps. Silao, Dist. Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Silao P.S. Case No.252 of 2022 , F.I.R. dated 08.11.2022 registered for the offence punishable under Sections 464, 498A, 302, 201, 120B/34, 362, 365, 304B of the IPC and Section 3/4 of Dowry Prohibition Act.

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. Learned counsel for the petitioners submit that petitioners have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. and it appears from the F.I.R. that there is no specific allegation of any assault or overt act attributed against the petitioners, rather there is general and omnibus allegation against all the accused persons including the petitioners. Further submits that on the basis of same set of allegation the co-accused persons, namely, Sunita Devi, Guddu Kumar @ Guddu Prasad and Rahul Yadav @ Rahul Prasad have been granted privilege of anticipatory bail vide order dated 08.11.2023 in Cr. Misc. No.50879 of 2023 and the petitioners are father-in-law and mother-in-law of the deceased.

5. Learned counsel for the informant as well as learned APP for the State, on the other hand have vehemently opposed the prayer for anticipatory bail of the petitioners and submit that from perusal of the FIR, it appears that father-in-law of the deceased who is petitioner no.2 has brought back to the



deceased from his 'Maika'.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Nalanda at Biharsharif in connection with Silao P.S. Case No.252 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(ii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of their anticipatory bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their



criminal antecedents, the court below shall take step for cancellation of anticipatory bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

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