

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64963 of 2023

Arising Out of PS. Case No.-352 Year-2020 Thana- GARKHA District- Saran

1. Rajendra Rai S/O Late Sheonath Rai R/O Village- Siswa, P.S. Issuapur, Dist. Saran at Chhapra
2. Saheb Rai S/O Late Sheonath Rai R/O Village- Siswa, Ps. Issuapur, Dist. Saran at Chhapra
3. Anita Devi W/O Saheb Rai R/O Village- Siswa, P.S.. Issuapur, Dist. Saran at Chhapra
4. Rita Devi @ Rubi Devi W/O Pankaj Kumar R/O Village- Siswa, P.S. Issuapur, Dist. Saran at Chhapra

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yashraj Bardhan, Advocate
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-12-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioner are apprehending their arrest in connection with Garkha P.S. Case No. 352 of 2020, registered on 01.08.2020 for the offences under Sections 302, 201/34 of the Indian Penal Code.

3. As per prosecution case, police received information from some youth about throwing away of a dead body in wee hours of morning. Subsequently, the police came to know that the deceased was the wife of co-accused Chhotelal Rai and the petitioners are brothers, sister-in-law and niece of



co-accused Chhotelal Rai, respectively and allegation against them is that of strangulating the deceased on account of some dowry demand.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The marriage of the deceased with co-accused Chhotelal Rai took place 17-18 years back and they have children aged 12-13 years. The petitioners are brothers and sister-in-law and also one of the married daughters of the elder brother of co-accused Chhotelal Rai. They have nothing to do with co-accused Chhotelal Rai and they reside separately from the husband of the deceased and they have no concern with their personal life. Moreover, from the allegation in the FIR it is clear that the dead body was recovered from some far away place. There is no eye witness to the occurrence to say anything about the involvement of the petitioners. The petitioners have been roped in this case by the father of the deceased who identified her dead body and with most general, omnibus and vague allegation falsely implicated all the persons who are co-sharers of the husband of the deceased and even married daughter of one of his brothers. Though the postmortem report shows cause of death to be asphyxia as a result of strangulation, the



petitioners are not involved in any manner. The petitioners have got no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners submitting that the petitioners being the family members are required to explain the death of the wife of co-accused.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material against the petitioners to connect them with the offence as alleged and further considering the possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class No. 07, Saran at Chapra/concerned court in connection with Garkha P.S. Case No. 352 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioners.



(ii) The petitioners will remain present
on each and every date fixed by the
court below, if so required by the
learned trial court.

(Arun Kumar Jha, J)

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