

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23588 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- GOPALPUR District- West Champaran

1. Rakesh Singh @ Golden @ Rakesh Kumar Rao S/o Late Bipin Rao R/o Village - Dukhi Chhapar, P.S. - Gopalpur, District - West Champaran
2. Mini Devi W/o Sanjay Singh R/o Village - Katahiya, P.S. - Lauriya, District - West Champaran
3. Ranjana Devi W/o Sonu Singh R/o Village - Phulia Khad, P.S. - Nautan, District - West Champaran
4. Antima Devi W/o Munna Singh R/o Village Phulwar PS Lakhaura District West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP
Mr. Sanjeev Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

- 2 01-05-2024 1. Heard learned counsel for the petitioners, learned APP for the State along with learned counsel for the informant.
2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 302, 304B and 34 of the IPC.
3. The learned counsel for the petitioners submit that petitioners are persons with clean antecedent and have been



falsely implicated in the instant case by the informant.

4. It is further submitted that the informant alleges that the petitioner no.1 called and informed him about the death of his daughter. Accordingly, the informant along with his co-villagers went to the place of occurrence where he saw the dead body of his daughter lying. Thus alleges that the accused persons including the petitioner killed her either by strangulation or by hanging for non-fulfillment of the demand of dowry of Rs.2 lakhs a motorcycle. The learned counsel submits that the daughter of the informant was married to Mukesh Singh in the year 2019, the petitioners are own brothers and married sister of Mukesh. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that it was petitioner no.1 who had informed about the occurrence to the informant that his daughter hanged herself. It is further submitted that if the petitioners would have been involved in the occurrence then the petitioner no.1 would not have informed the informant, rather efforts would have been made to dispose of the dead body and not to preserve it for postmortem. It is also submitted that whenever any dispute arises in between the husband and the wife and occurrence in the nature as alleged takes place the entire family members are implicated in a



mechanical manner. It is also submitted that informant is not an eye witness to the occurrence, further even allegation of demand of dowry and torture is not specific. It is next submitted that petitioner no.2 to 4 are residing separately from the husband of the deceased after their marriage.

5. The learned APP along with learned appearing on behalf of the informant opposes the anticipatory bail application, but then are not in a position to rebut the submission of the learned counsel for the petitioners that no effort was made to dispose of the dead body and it was petitioner no.1 who had intimated the informant about the occurrence and that petitioner no.2 to 4 are residing separately from husband of the deceased after their marriage.

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, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Bettiah, West Champaran in connection with Gopalpur P.S. Case No.167 of 2023, subject to the



conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

U		T	
---	--	---	--

