

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33350 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- PALANWA District- East Champaran

1. Alihasan Gaddi Son of Mavladin Gadi R/o Village- Bubuliya Parsauna, P.S.- Palanwa, Dist.- East Champaran
2. Maimul Nesha W/o Alihasan Gadi R/o Village- Bubuliya Parsauna, P.S.- Palanwa, Dist.- East Champaran
3. Tharu Gaddi @ Tharu Gadi Son of Alihasad Gadi R/o Village- Babuliya Parsauna, P.S.- Palanwa, Dist.- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Maqsd Raut S/o Nura Raut Gadi, R/o Vindavasani village Palika, Ward No. 03, Jhhowa Gathhi, P S - Pokhariya District-Parsa Nepal Pin-44300

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Perna Rishi, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 20-11-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 304B and 201/34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners have antecedent of two cases and the informant alleges that his daughter was married to Faruk Gadi about 10 months ago and after marriage the accused persons including the petitioners started torturing her for non-fulfillment of demand of one motorcycle and Rs.1 lakh. It is next alleged that



on 02.01.2024, the brother of the informant received a call from his brother-in-law informing that the victim has been strangled to death.

4. Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the FIR, it would manifest that the entire allegation hinges around suspicion. It is further submitted that petitioner no. 1 and 2 are father-in-law and mother-in-law and petitioner no. 3 is brother-in-law of the victim. It is next submitted that the informant is not an eyewitness to the occurrence and from perusal of the allegation as alleged in the FIR, it would manifest that even allegations are general and omnibus in nature. It is also submitted that it is the duty of the husband to ensure the well being of his wife.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that the marriage was only 10 months old and the occurrence took place. The informant may not be an eyewitness to the occurrence but then there is allegation. It is further submitted that the body till date has not been recovered which casts as aspersion on the conduct of the accused persons. It is next submitted that had the petitioners not been involved in the occurrence in that event the body would not have been disposed of.



6. Considering the submissions made by the learned A.P.P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioners in connection with Palanwa P.S. Case No. 04 of 2024 pending in the Court of learned Sub-Divisional Judicial Magistrate, Motihari/Successor Court.

7. Hence, the prayer for anticipatory bail is rejected.

(Satyavrat Verma, J)

Kundan/-

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

