

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31101 of 2024

Arising Out of PS. Case No.-234 Year-2023 Thana- SARAI District- Vaishali

- 1. Chandeshwar Ram SON OF Fudena Ram RESIDENT OF VILLAGE- FATEHPUR FULWARIA, PS- SARAI, DIST- VAISHALI
- 2. MEENA DEVI @ MINA DEVI WIFE OF CHANDESHWAR RAM RESIDENT OF VILLAGE- FATEHPUR FULWARIA, PS- SARAI, DIST- VAISHALI
- 3. RAJESH RAM SON OF CHANDESHWAR RAM RESIDENT OF VILLAGE- FATEHPUR FULWARIA, PS- SARAI, DIST- VAISHALI
- 4. REKHA DEVI WIFE OF RAJESH RAM RESIDENT OF VILLAGE- FATEHPUR FULWARIA, PS- SARAI, DIST- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar
For the State : Mr.Md. Fahimuddin
For the informant : Mr. Md. Soban Asghar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 421-09-2024
- 1. Heard learned Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor representing the State.
 - 2. This application, for grant of anticipatory bail, arises out of Sarai Police Station Case No. 234 of 2023, dated 10.09.2023, registered for the offences punishable under Sections 304-B/34 of the Indian Penal Code.
 - 3. The prosecution case, as per the First Informant Report, is that the marriage of the informant’s daughter (now, deceased) and co-accused Umesh Kumar was solemnized



on 21.05.2023. Just after one month of the marriage, the accused persons started demanding Rs. 2,00,000/- by way of dowry and due to non-fulfillment of the said demand, they used to torture the deceased. On 04.09.2023, at about 07 AM, the deceased talked the informant on phone and told that all the accused persons have assaulted her and would kill her. It is further alleged that on the said date, at about 9 AM, all the accused persons killed the deceased by pressing her neck.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case with ulterior motive. He further submits that the petitioners are separate in mess and property and they have got no concern with the day to day life of the deceased and/or her husband. He further submits that the petitioner nos. 1 and 2 are the father-in-law and mother-in-law of the deceased; whereas the petitioner nos. 3 and 4 are the brother-in-law and sister-in-law (gotni) of the deceased.
5. On the other hand, learned Additional Public Prosecutor and the informant vehemently opposed the prayer for bail and submit that within four months of the marriage, the



deceased was killed by her in-laws and the petitioners for demand of dowry.

6. I have heard learned counsel for the parties and have gone through the materials on record including the impugned order.
7. Within four months of the marriage, the informant's daughter died an unnatural death in her matrimonial home. The nature of death is not important whether it is natural, suicidal or accidental but the fact of the matter is that deceased died an unnatural death within four months of her marriage. There is a presumption against the accused persons under Section 113(A) and 113(B) of the Evidence Act. The offence is serious in nature and the punishment thereof is also serious.
8. Accordingly, I am not inclined to grant anticipatory bail to the petitioner nos. 1 and 2.
9. This application, so far as petitioner nos. 1 and 2 are concerned, is dismissed.
10. However, considering the fact that the petitioner nos. 3 and 4 are the brother-in-law and sister-in-law (gotni) of the deceased, I am inclined to grant the petitioner nos. 3 and 4 privilege of anticipatory bail.



11. Let the petitioner nos. 3 and 4, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali, at Hajipur, in connection with Sarai Police Station Case No. 234 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.
12. This application, so far as petitioner nos. 3 and 4 are concerned, is allowed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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