

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36498 of 2024

Arising Out of PS. Case No.-694 Year-2023 Thana- KADAMKUAN District- Patna

1. Dayanand Jha Son Of Late Hrishikesh Jha Resident Of Village- Teachers Colony Road No. D, Kumhrar, PS- Agamkuan, Po- B.H. Housing Colony, Dist- Patna
2. Smt. Sushirkha Devi Wife Of Dayanand Jha Resident Of Village- Teachers Colony Road No. D, Kumhrar, PS- Agamkuan, Po- B.H. Housing Colony, Dist- Patna
3. Tej Narain Jha Son Of Late Mangal Jha Resident Of Village- Teachers Colony Road No. D, Kumhrar, PS- Agamkuan, Po- B.H. Housing Colony, Dist- Patna
4. Savita Kumari @ Baby Kumari Daughter Of Dayanand Jha Resident Of Village- Teachers Colony Road No. D, Kumhrar, PS- Agamkuan, Po- B.H. Housing Colony, Dist- Patna

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar Jha, Advocate
		Mr. Pranav Kumar Jha, Advocate
For the State	:	Mr. Shyam Bihari Singh, APP
For the Informant	:	Mr. Nagendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 17-12-2024 Heard learned counsel for the petitioners as well as learned APP for the State and learned counsel appearing on behalf of the informant.

2. In the present case, the petitioners are apprehending their arrest in connection with Kadamkuan P.S. Case No. 694 of 2023 registered for the offences under Sections 307, 302, 201, 323, 504, 506, 120B/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

3. As per prosecution case, the informant's



daughter was married with co-accused Raman Kumar Jha in the year 2008 and the petitioners are parents, brother-in-law and sister of the co-accused husband, respectively. The allegation against the petitioners and the co-accused is that of killing the daughter of the informant and cremating her without information to the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The daughter of the informant died due to illness as she had been suffering from Dengue and she was admitted in the hospital at Kota where the co-accused husband has been working. The son of the informant came to Kota after her death and co-accused husband brought the dead body in ambulance to Patna and the son of the informant carried away the daughter and son of the deceased to his house and kept them. Learned counsel further submits that the son of the informant made a complaint before the police at Kota which was inquired upon by the police and no foul play was found. It has also come to the notice during investigation that the deceased had been staying with her husband since 2013 at Kota whereas the petitioners have been living in Patna and they have been made accused in this case merely because they are the parents, brother-in-law and



sister of co-accused husband. Even from the complaint leading to registration of FIR, it is apparent that there is no allegation of killing the daughter of the informant against the petitioners. Learned counsel further submits that the documents relating to treatment of the deceased have been annexed as Annexure-P/2 series which shows the cause of death. The police report of the Kota shows the children of the deceased have perhaps been tutored against the petitioners and their father. Thus, learned counsel submits that no offence is made out against the petitioners who are having clean antecedent.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioners. Learned counsel for the informant submits that the deceased just before the occurrence made phone call to the informant stating that she will not survive which shows she was killed. Learned counsel further submits that just after the marriage, the petitioners forbade the deceased from talking with her family members in her matrimonial home and were not allowing the any person from informant side to meet the deceased or her children.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering



the remoteness and doubtful nature of allegation and also considering the strong 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.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna/concerned court in connection with Kadamkuan P.S. Case No. 694 of 2023, 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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