

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36306 of 2024

Arising Out of PS. Case No.-353 Year-2023 Thana- BAIRIYA District- West Champaran

1. SUDAMA CHAUDHARY SON OF LATE SUNAR CHAUDHARY
RESIDENT OF VILLAGE - TILGAHI, P.S. - BAIRIYA, DISTRICT -
WEST CHAMPARAN
2. MANOHAR CHAUDHARY SON OF SUDAMA CHAUDHRY
RESIDENT OF VILLAGE - TILGAHI, P.S. - BAIRIYA, DISTRICT -
WEST CHAMPARAN
3. PREMSHILA DEVI WIFE OF VIDYA CHAUDHARY @ VIJAY
CHAUDHARY RESIDENT OF VILLAGE - TILGAHI, P.S. - BAIRIYA,
DISTRICT - WEST CHAMPARAN
4. DHANMANTI DEVI @ DHANWANTI DEVI WIFE OF BHAGAT
SAHANI @ BHAGAT CHAUDHARY RESIDENT OF VILLAGE -
TILGAHI, P.S. - BAIRIYA, DISTRICT - WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Sri Devendra Kumar Sinha, Sr. Advocate Sri Ramchandra Sahni, Advocate
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 01-10-2024 1. Heard Sri Devendra Kumar Sinha learned Senior
Counsel for the petitioners, Sri Chandra Bhushan Prasad learned
A.P.P. for the State and learned counsel appearing on behalf of
the informant.
2. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 302 and
201/34 of the Indian Penal Code.
3. Learned Senior Counsel for the petitioners submits
that petitioner no. 1 has antecedent of one case and petitioners



no. 2, 3 and 4 are persons with clean antecedent.

4. The informant alleges that his daughter was married to the son of the petitioner no. 1 in the year 2007 and on 14.12.2023 the victim called on the mobile of her mother and informed about the ill treatment being meted out to her but her mobile was snatched and switched off. It is alleged that the informant reached the matrimonial home of his daughter and found her daughter missing and he saw his grand children crying and they informed that everyone has killed their mother i.e. daughter of the informant and taken her body wrapped in a quilt for disposing. It is further alleged that children also disclosed that an altercation took place between their mother and Manohar Chaudhary (petitioner no. 2), Premshild Devi (petitioner no. 3) on account of which all the named accused persons killed the victim by putting a rope around her neck after assaulting her.

5. Learned Senior Counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is further submitted that during the course of investigation, it transpired that at the time of occurrence, the grand children of the informant were not present in the house rather were in the school. It is next submitted that petitioners



being the father-in-law, brother-in-law (Devar), sister-in-law (Gotani) and married sister-in-law (Nanad) of the deceased have been falsely implicated in the instant case by the informant. It is also submitted that the entire allegation hinges around the fact that when the informant reached the place of occurrence he was informed by his grand children that on account of an altercation in between the victim and Manohar Chaudhary (petitioner no. 2) and Premshila Devi (petitioner no. 3), the occurrence is alleged to have taken place. It is further submitted that petitioner no. 4 Dhanmanti Devi is married sister of the husband of the deceased and she resides separately. It is next submitted that it absolutely does not stand to reason that the father-in-law along with other accused persons would have killed the victim in presence of their grand children and, thus, would have created evidence against themselves. It is also submitted that during the course of investigation, it also transpired that petitioners reside separately from the husband of the deceased.

6. Learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioners and submits that the dead body of the deceased was not found inside her matrimonial home. It is further submitted that had the body been found inside the matrimonial home then



an inference could have been drawn that the accused persons did not make any effort to conceal the evidence by disposing of the dead body but when the informant came to know about the occurrence from his grand children, he informed the police and thereafter the dead body was recovered found lying near bank of a river. It is next submitted that it does not appear probable that the dead body would have been carried out single handedly by the husband of the deceased and thrown near the bank of a river. It is also submitted that since the dead body was found near the bank of a river that amply demonstrates that the accused persons were involved in the occurrence. It is further submitted that though during the course of investigation, it has come that grand children were in the school but then from perusal of the allegation as alleged in the FIR, it would manifest that informant specifically alleges that his grand children disclosed about the occurrence that how his daughter was killed.

7. Mr. Chandra Bhushan Prasad learned A.P.P. for the State also opposes the prayer for anticipatory bail of the petitioners and submits that what is not disputed rather stands admitted is that the daughter of the informant died but then whether she was killed by the accused persons or by the husband is an aspect of investigation. It is further submitted that



whether the petitioners are living separately or were residing with the deceased in the same house is also an aspect of investigation. It is next submitted that whether the petitioner no. 4 was present at the place of occurrence on the date of occurrence is also an aspect of investigation and whether the occurrence took place in presence of the grand children is also an aspect of investigation. It is also submitted that how the dead body of the deceased reached the bank of a river is also an aspect of the investigation and in the event if the privilege of anticipatory bail is granted to the petitioners in that event, the petitioners may abscond or try to tamper with the evidence on which learned Senior Counsel appearing on behalf of the petitioners submits that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

8. Considering the submissions made by the learned Senior Counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in



connection with Bairiya P.S. Case No. 353 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of the learned trial court that petitioners despite giving assurance to this Court are not cooperating in the investigation or are not presenting themselves as and when required, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

10. It is made clear that if charge-sheet is submitted connecting the petitioners with the offence, in that event, the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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