

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37780 of 2024

Arising Out of PS. Case No.-508 Year-2023 Thana- VAISHALI District- Vaishali

1. Leela Devi Wife of Nand Kishor Rai Resident of Village - Bhagmatpur, P.S. and District - Vaishali.
2. Sujeet Kumar Son of Nand Kishor Rai Resident of Village - Bhagmatpur, P.S. and District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur

For the Opposite Party/s : Mr. Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 02-08-2024

1. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. This application, for grant of regular bail, arises out of Vaishali Police Station Case No. 508 of 2023, disclosing offences under Sections 304(B), 201, 34 of the Indian Penal Code.

3. The prosecution story, as per the First Information Report, that marriage of informant's daughter was solemnized with the co-acused Sanjit Kumar on 11.07.2019. After the marriage, the husband of the deceased father-in-law, mother-in-law, brother-in-law along with others, started demanding dowry of Rs. 5 lacs for purchasing a car. When the informant and the deceased expressed their inability to fulfill the demand of the accused persons, they physically tortured the deceased and on



19.11.2013, the informant received secret information that his daughter has been killed. Upon this, the informant reached the place of occurrence and found that the petitioners and others were burning the body of his daughter and upon seeing the informant, the accused persons fled away leaving the half burnt body of the informant's daughter.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case when they have not committed any offence in the manner alleged. The allegations against the petitioners are false and fabricated inasmuch as no dowry was demanded by them from deceased or informant or tortured the deceased in any manner. The allegation is general and omnibus in nature and the petitioners due to ill behaviour of the deceased husband namely Sanjit Kumar are living separately. The other co-accused persons have been granted bail by this court in Cr. Misc. No. 12490 of 2024 on 14.03.2024. The petitioner is in custody since 06.04.2024.

5. I have heard learned counsel for the parties. From perusal of the FIR it appears that there is allegation of demand of dowry and torture prior to the date of occurrence. The petitioners are mother in law and brother in law of the deceased. From perusal of the improved order, passed by learned Sessions



Judge, Vaishali, Hajipur, it transpires that the place of occurrence is the bamboo clump belonging to the accused persons/petitioners where the body of the informant's daughter was being burnt. The postmortem report suggests the cause of death due to thermal burn and shock. The occurrence has taken place within seven years of the marriage and as per section 113B of the Evidence Act, there is a presumption against the accused persons. The petitioners tried to cremate the body of the deceased hurriedly and in secret manner in the bamboo clump belonging to them. The other accused persons who have been granted bail in the present matter are not the family members of the deceased's husband and are co-villagers. There is prima facie evidence against the petitioners, accordingly, I am not inclined to grant privilege of bail to the petitioners.

6. This application is, accordingly, rejected.

7. However the petitioners may renew their prayer for bail after one year if the trial does not show progress.

(Anil Kumar Sinha, J)

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