

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44769 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- BIND District- Nalanda

1. Chinta Devi W/O Late Ram Balak Raut R/O Vill.- Jahana, P.S.- Bind, Dist.- Nalanda
2. Dharmendra Prasad Son of Late Ram Balak Raut R/O Vill.- Jahana, P.S.- Bind, Dist.- Nalanda
3. Jitendra Kumar Son of Late Ram Balak Raut R/O Vill.- Jahana, P.S.- Bind, Dist.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the State	:	Mr. Raj Ballabh Singh, A.P.P.
For the Informant	:	Mr. Ashok Kumar Choudhary, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 02-09-2024 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned Senior 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 34 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that petitioners are person with clean antecedent.
4. The informant alleges that on 13.01.2024 he was informed that his daughter had died, accordingly, the informant reached the place of occurrence and saw the dead body of his



daughter lying in the courtyard and the family members of the husband of the deceased were not present in the house. It is further alleged that on several occasions, disputes were mitigated by the informant that arose in the matrimonial house of his daughter. It is next alleged that daughter of the informant was tortured by the accused persons and the daughter of the informant was married to Dinesh Prasad in February, 2014 and out of the wedlock two children were born. It is further alleged that the granddaughter of the informant alleged that the accused persons used to assault her mother.

5. Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the FIR, it would manifest that the daughter of the informant was married to Dinesh Prasad in the year 2014 and out of the wedlock two children were born. It is further submitted that the instant FIR came to be instituted in the year 2023 i.e. nine years after the marriage. It is next submitted that in these nine years no case ever came to be instituted either by the informant or the deceased alleging torture at the hands of the petitioners. It is also submitted that the dead body of the deceased was sent for postmortem which amply demonstrates that petitioners were not involved in the occurrence of killing of the deceased as being



alleged by the informant or else efforts would have been made to dispose of the dead body for concealing the evidence. It is further submitted that in the postmortem report one injury was found on the wrist but then apart from the said injury there was no external or internal injury on the body of the deceased but the viscera was preserved and has been sent to FSL. It is next submitted that whenever any dispute arises in between the husband and the wife and occurrence of the nature as alleged takes place the entire family members are implicated in a mechanical manner with general, omnibus and ornamental allegation.

6. Learned A.P.P. for the State and the learned Senior Counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioners but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioners that the marriage was nine years old and in between these nine years no case ever came to be instituted by the informant or the deceased alleging torture and also that informant is not an eyewitness to the occurrence.

7. At this stage, learned Senior Counsel appearing on behalf of the informant submits that the husband of the deceased



has also filed Cr. Misc. No. 56048 of 2024 which is pending consideration.

8. Considering the submissions made by the learned 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.10,000/- (Rupees Ten 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 Bind P.S. Case No. 04 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. The personal appearance of the Investigating Officer of the case, who is present in the Court, in compliance of the order dated 20.08.2024 is dispensed with.

(Satyavrat Verma, J)

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