

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42827 of 2024

Arising Out of PS. Case No.-66 Year-2024 Thana- MANJHI District- Saran

1. Upendra Singh @ Upendra Kumar Singh, Son Of Byas Singh R/O- Bhajouna, Nachap, Saran, Nachap, Bihar, P.S.- Manjhi, Distt.- Saran
2. Meera Singh @ Nira Devi, W/O- Upendra Kumar Singh R/O- Nachap, Saran, Nachap, Bihar, P.S.- Manjhi, Distt.- Saran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Soni Shrivastava- Advocate Mr. Gaurav Singh- Advocate Mr. Kalyan- Advocate
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad- A.P.P. Mr. Shekhar Singh- Advocate Mr. Dewendra Narayan Singh- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

8 23-09-2024 1. Heard learned counsel for the petitioners, the learned counsel appearing on behalf of the informant and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 304(B)/ 34 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the petitioners, being in-laws of the deceased, have been falsely implicated in the instant case by the informant with an allegation that the daughter of the informant was married to Raman Kumar Singh on 28.11.2023 and after marriage, the



accused persons including the petitioners started demanding a Maruti Wagon-R Car and when the demand was not fulfilled, the deceased was tortured at her matrimonial home. It is further alleged that the informant, on coming to know about the demand, came to the house of the petitioners and tried to convince them that the demand would be fulfilled, thereafter normalcy was restored for sometime, but when the demand was not fulfilled, tortured started and the informant was threatened that their son would be married after killing his daughter as he is a government servant working with the Post Office. It is further alleged that on 07.03.2024, the informant received an information that the accused persons including the petitioners have killed his daughter. Accordingly, the informant along with others reached the place of occurrence where he found the dead body of his daughter lying.

4. The learned counsel for the petitioners submits that petitioners, being in-laws, have been falsely implicated in the instant with general and omnibus allegation. It is next submitted that the marriage of the deceased with the son of the petitioners was a forced marriage. It is next submitted that deceased prior to her marriage was having an affair with her sister's brother in-law and thus, she never intended to marry the son of the



petitioners, as such, after marriage, she did not want to stay with the son of the petitioners. It is next submitted that a specific pleading has been made at Para-11 of the anticipatory bail application that husband of the deceased received a phone call from the deceased's parents, who stated that they have received a video of the deceased trying to commit suicide by hanging herself, whereupon husband rushed towards the door, but the door was locked from inside. It is further submitted that while the husband was still on phone with his in-laws, he opened the window and saw a rope tied around the neck of the deceased and thereafter, on instruction of the deceased's parents the door was broken and she was taken to hospital where doctor declared her dead. The learned counsel for the petitioners further submits that whenever any occurrence of the nature as alleged takes place, the entire family members are implicated in a mechanical manner with general, omnibus and ornamental allegation and even the police investigates such cases mechanically. It is also submitted that the deceased before committing suicide had talked to her parents, husband and other relative of her husband including her own uncle. It is next submitted that when the case was taken up on 02.07.2024, the Investigating Officer of the case was directed to remain physically present on 05.08.2024



along with the case diary and post mortem report to assist the Court with respect to the fact that as to whether the mobile number of the deceased, her parents and husband has been investigated or not. The the learned counsel appearing on behalf of the petitioner also submits that during the course of investigation, it also transpired that the husband of the deceased was even talking to the sister of the deceased and was informing her that as to what was happening inside his house, on which his sister in-law asked the husband of the deceased to break the door and to save the deceased. It is also submitted that during the course of investigation, it has come that both the sides were in touch with each other with regard to the occurrence which was taking place inside the house, but then, neither the side of the petitioners nor the side of the informant approached the police instantly.

5. The the learned counsel appearing on behalf of the informant opposes the anticipatory bail application and submits that no information was given to the police from the side of the petitioner instantly, on which the learned counsel appearing on behalf of the petitioner submits that as it has transpired during the course of investigation that both the families were in touch with each other, but then, none approached the police. It is also



submitted that when occurrence of the nature, as alleged, takes place, the family is in a shock and are apprehensive also that in the event, if the police is informed, they may be arrested even before investigation starts. It is also submitted that it was only after the orders of this Court that the police started investigating the case in its correct perspective whereafter the aforesaid facts transpired during the course of investigation as recorded herein above, further the husband of the deceased is in custody.

6. It is next submitted by the learned counsel for the petitioners that the case was taken up on 05.08.2024 when the Investigating Officer of the case was present and he handed over the copy of the case diary to the learned A.P.P. Sri Chandra Bhushan Prasad and his personal appearance was dispensed with and thereafter, the case was again taken up on 13.08.2024 and 21.08.2024, when adjournment was sought jointly by the learned counsel for the parties.

7. Today, when the case is taken up, the learned A.P.P. Sri Chandra Bhushan Prasad assisted the Court after going through the case diary threadbare. The learned A.P.P. submits that during the course of the investigation, the call details of the deceased was investigated and it was found that prior to the occurrence, she had talked to her mother, husband, sisters of his



father in-law namely, Seema and Pummy Devi, her father-in-law and her own uncle Ashutosh Nath Singh. The learned A.P.P. thus submits that from the investigation, it can be culled out that the victim prior to the occurrence was in touch with the family members, which included the husband also, on which the learned counsel appearing on behalf of the petitioners submits that since the marriage of the deceased with the son of the petitioners was a forced marriage as recorded herein above, as such the deceased committed suicide and the room was locked from inside which had to be broken. It is submitted at the cost of repetition that whenever any dispute arises in between the husband and the wife and the occurrence in the nature as alleged takes place, the entire family members are implicated in a mechanical manner with general, omnibus and ornamental allegation. It is also submitted that no doubt, the daughter of the informant died, but all deaths are not dowry death.

8. The learned counsel appearing on behalf of the informant opposes the anticipatory bail application, but then, is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that deceased prior to committing the occurrence of suicide was in touch with her family members, which also stands corroborated by the



submission of the learned A.P.P. and the allegation of demand of dowry is general and omnibus in nature and the husband of the deceased is in custody.

9. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, A.C.J.M.-XI, Chapra in connection with Manjhi P. S. Case No.66 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. The application stands allowed.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

