

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48534 of 2024

Arising Out of PS. Case No.-121 Year-2024 Thana- NAWANAGAR District- Buxar

1. MADAN PRASAD S/O LATE PRASURAM PRASAD R/O VILLAGE-PIPRAH, P.S- SONBARSHA, DISTT.- BUXAR.
2. KAMLAWATI DEVI W/O MADAN PRASAD R/O VILLAGE- PIPRAH, P.S- SONBARSHA, DISTT.- BUXAR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohit Shriwastava
For the Opposite Party/s : Ms. Asha Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 24-07-2024 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
2. Learned counsel for the petitioners, at the outset, seeks permission to withdraw the present anticipatory bail application with respect to petitioner no. 1 (Madan Prasad).
3. Permission is accorded.
4. Accordingly, the present anticipatory bail application is dismissed as withdrawn with respect to petitioner no. 1.
5. The petitioner no. 2 apprehends her arrest in a case registered for the offences punishable under Sections 304B and 34 of the Indian Penal Code.



6. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is a woman and has been falsely implicated in the instant case by the informant who is father of the deceased.

7. It is next submitted that the informant alleges that the deceased was married to Manish in the year 2020 and after marriage, the accused persons including the petitioners were demanding a motorcycle, Sofa, cooler etc. and non-fulfillment of the demand, the victim was assaulted and tortured, further the informant somehow managed and provided the articles which were being asked for, thereafter, again the accused persons started demanding Rs. 1 Lakh for purchasing a motorcycle, it is further alleged that on 09.04.2024, the informant got an information that his daughter has been killed, accordingly, he went to the place of occurrence along with his brother, but he did not find the body of his daughter.

8. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case being mother-in-law of the deceased. It is next submitted that informant is not an eye witness to the occurrence and the entire allegation hinges around suspicion. It is also submitted that whenever any occurrence of the nature as alleged takes place, the entire family members are implicated in a mechanical manner.



9. The learned counsel appearing on behalf of the O.P. No. 2 opposes the prayer for anticipatory bail of the petitioner and submits that the body of the deceased was cremated which amply demonstrates that the effort was made to dispose of the body of his daughter so that the truth about her death does not come out, it is also submitted that no doubt petitioner is the mother-in-law of the deceased, but then the marriage was only four years old and presumption in law is against the husband and his family members and since effort was made to dispose of the body by cremating it, as such, connivance of the petitioner cannot be ruled out at this stage when investigation is in its nascent stages.

10. Considering the submissions made by the learned counsel appearing on behalf of the O.P. No. 2, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

11. **Accordingly, the instant anticipatory bail application stands rejected.**

(Satyavrat Verma, J)

Rishabh/-

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

