

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56767 of 2024

Arising Out of PS. Case No.-401 Year-2023 Thana- RAFIGANJ District- Aurangabad

1. Rajendra Yadav Son of Late Halkhori Yadav Resident of Kapur Bigha, P.S. - Rafiganj, District - Aurangabad
2. Raj Kumari Devi Wife of Rajendra Yadav Resident of Kapur Bigha, P.S. - Rafiganj, District - Aurangabad
3. Sunil Yadav Son of Rajendra Yadav Resident of Kapur Bigha, P.S. - Rafiganj, District - Aurangabad
4. Sujeet Yadav Son of Rajendra Yadav Resident of Kapur Bigha, P.S. - Rafiganj, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.
Mr. Bhaskar Shankar
For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 04-09-2024
1. Heard learned Senior Counsel for the petitioners and learned Additional Public Prosecutor representing the State.
 2. This application, for grant of anticipatory bail, arises out of Rafiganj Police Station Case No. 401 of 2023, dated 07.09.2023, registered for the offences punishable under Sections 304-B/34 of the Indian Penal Code.
 3. The prosecution case, as per the First Informant Report, is that on 05.09.2023, at about 10 AM, the informant received a phone call from son-in-law, and his son-in-



law told the informant to give Rs. 5,00,000/- as dowry, failing which he would face dire consequences. After that, the daughter of the informant made a phone call to the informant at about 11 AM, and told him that the accused persons have administered her poison and at 7 PM, the son-in-law of the informant informed him that his daughter is admitted in Magadh Medical Hospital, Gaya. When the informant reached the hospital, he found his daughter dead.

4. Learned Senior Counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case with ulterior motive. He further submits that the deceased was a short-tempered lady and she had committed suicide after hot altercation with her husband. He further submits that the petitioners are separate in mess and property and they have got no concern with the day to day life of the deceased and/or her husband. He further submits that from perusal of the First Information Report, it would be evident that the demand of dowry was made by the husband of the deceased and not by these petitioners. He further submits that the petitioner nos. 1 and 2 are the father-in-law and



mother-in-law of the deceased; whereas the petitioner nos. 3 and 4 are the brothers-in-law of the deceased and the husband of the deceased is already in custody since 18.05.2024.

5. On the other hand, learned Additional Public Prosecutor vehemently opposed the prayer for bail and submits that within four years of the marriage, the deceased was killed by her in-laws and the petitioner for demand of dowry.
6. I have heard learned counsel for the parties and have gone through the materials on record including the impugned order.
7. Within four years of the marriage, the informant's daughter died an unnatural death in her matrimonial home. The nature of death is not important whether it is natural, suicidal or accidental but the fact of the matter is that deceased died an unnatural death within four years of her marriage. There is a presumption against the accused persons under Section 113(A) and 113(B) of the Evidence Act. The offence is serious in nature and the punishment thereof is also serious.
8. Accordingly, I am not inclined to grant anticipatory bail



to the petitioner nos. 1 and 2.

9. This application, so far as petitioner nos. 1 and 2 are concerned, is dismissed.
10. However, considering the fact that the petitioner nos. 3 and 4 are the brothers-in-law of the deceased, I am inclined to grant the petitioner privilege of anticipatory bail.
11. Let the petitioner nos. 3 and 4, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional Chief Judicial Magistrate, Aurangabad, in connection with Rafiganj Police Station Case No. 401 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.
12. This application, so far as petitioner nos. 3 and 4 are concerned, is allowed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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